

WAR CRIMES WASHINGTON

12 FEBRUARY 1948

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Thursday, 12 February 1948

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
exception of: HONORABLE JUSTICE LORD PATRICK,
Member from the United Kingdom of Great Britain, not
sitting from 0930 to 1600; HONORABLE JUSTICE E. H.
NORTHCROFT, Member from the Dominion of New Zealand
and HONORABLE JUSTICE I. M. ZARYANOV, Member from the
USSR., not sitting from 0930 to 1200; HONORABLE JUSTICE
B. V. A. REILING, Member from the Kingdom of the Nether-
lands and HONORABLE JUSTICE E. STUART McDougall, Member
from the Dominion of Canada, not sitting from 1330 to
1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTTFE.)

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present
except SHIRATORI and UMEZU, who are represented by
counsel. The Sugamo Prison surgeon certifies that
they are ill and unable to attend the trial today.
The certificate will be recorded and filed.

Judge Kwei.

JUDGE KWEI: Your Honor, I continue on page
45, fifth line from the bottom:

While admitting that there were also other
causes for the resignation of this Cabinet, SHIDEHARA
stated that the Manchurian Incident aggravated the
situation and compelled the Cabinet to resign. As a
result, INUKAI took office with the accused ARAKI be-
coming his War Minister.

D-43. Immediately upon ARAKI's succession
to office, there was an apparent change in the attitude
of the government and in the cooperation between it
and the Kwantung Army in furtherance of the conspiracy.
A device was found, which, while it permitted the govern-
ment to piously assert that it was carrying out the
policy of the previous government of non-enlargement
of the incident, enabled it to render the aid needed

D-42. c. T. 1344.

by the Kwantung Army in effectuating the conspiracy.

1 On September 21, China had appealed to the League of
2 Nations,^{a.} which after a series of preliminary moves,
3 on December 10, 1931, adopted a resolution, which,
4 inter alia, appointed a commission to investigate
5 and report on any circumstances affecting international
6 relations -- delete "and" -- which threatened to dis-
7 turb peace between China and Japan. Japan, on
8 December 10, accepted the resolution with the reser-
9 vation that it did not preclude Japanese forces from
10 taking such action as might be rendered necessary to
11 provide directly for the protection of the lives and
12 property of Japanese subjects against the activities
13 of bandits and lawless elements.^{c.} However, it was
14 stated that this was an exceptional measure due to
15 the special situation and its necessity would end when
16 normal conditions were restored.^{d.} This reservation
17 was immediately seized upon as a pretext for action
18 in furtherance of the conspiracy. The Lytton Com-
19 mission found that the Japanese immediately construed
20 the resolution, in light of Japan's reservation, as
21 giving Japan the right to maintain her troops in Man-
22 churia, and as having made her army responsible for
23 the suppression of banditry.^{e.}

25 D-43. a. Ex. 54, T. 1693 c. Ex. 57, T. 1703-4; T 2252
b. Ex. 57, T. 1696-8 d. Ex. 57, T. 2252
e. Ex. 57, T. 2253.

Upon this construction Japan proceeded to complete the military conquest of Manchuria.

D-44. In his interrogations by the prosecution, the accused ARAKI admitted the role that he and the other government officials played in this scheme. He stated that up until the time he became "ar Minister, there had been no fixed policy and it was realized that the absence of policy would result in the spreading of hostilities. Soon after he became "ar Minister, ARAKI decided that the four provinces under Chang Hsueh-Liang should be pacified and occupied. He made up his plan and obtained the approval of the Premier and Foreign and Finance Ministers. Cabinet approval was then obtained either in full meeting or by individual consent. Since the Diet was not then in session, and since the plan required an increase of expenditures of 30 to 50 million yen, the matter was submitted to the Privy Council, and unanimously approved by December 20. The primary matter passed on by the Council was the matter of the expenditure, but as ARAKI himself points out, the policy itself was discussed because unless it was supported there could have been no appropriation.

D-44. a. Ex. 188-C, T. 2221. e. Ex. 3162, T. 28306-7.
 b. Ex. 188-A, T. 2216-7. f. Ex. 188-C, T. 2222-3
 c. Ex. 188-B, T. 2218-9 g. Ex. 188-C, T. 2234
 d. Ex. 188-C, T. 2222; 2233. h. Ex. 3162, T. 28307.
 i. Ex. 188-C, T. 2233.

The only question that was raised was whether there
1 should be included in this program three or four
2 provinces, since Manchuria from ancient times had
3 only three provinces. It was finally decided to
4 include four to keep Chang Hsueh-Liang from retreat-
5 ing to Jehol and operating from there.
6

D-45. In his own testimony, ARAKI attacked
7 the accuracy of his interrogations on the ground that
8 he was misinterpreted by incompetent interpreters.
9 However, when confronted by three of the interpreters
10 who interpreted at most of the interrogations complained
11 of, he could not identify them as the incompetent ones.
12 In light of this fact and in light of the further
13 fact that no other accused who were interpreted by
14 the same interpreters as were used in ARAKI's case
15 have made any complaint of misinterpretation, the inference
16 is clear that in his interrogations ARAKI said
17 a little more than he, after reflection, thought wise
18 to say. When his complaint was finally resolved to
19 its component elements, it was found that it could be
20 reduced to whether ARAKI used in the course of the
21 interrogations the word "occupation," based on the fact
22 that he allegedly conceived of that term in a very
23 narrow, technical sense. Yet ARAKI took no objection
24
25

D-45. a. Ex. 3161, T. 28221-7. D-44. j. Ex. 188-D, T. 2237-8
b. T. 28293-300. k. Ex. 188-C, T. 2235.

to the interpretation with respect to Exhibits 2220-21,
1 where he again in his interrogation used the phrase
2 "occupying the four provinces." An examination of
3 Exhibit 3162, admittedly written by ARAKI, shows that
4 it tells substantially the same story as was told in
5 the interrogations, except that the word "occupa-
6 tion" is not used. The statement says that the aim
7 was to restore public peace and admits that the oppon-
8 ents were the four chiefs of the Four Eastern Provinces
9 and that the area was the four provinces under Chang's
10 control. As a matter of fact, this complaint by
11 ARAKI is pointless and immaterial, because, pursuant
12 to his plan, the area of Japanese military operations
13 continually widened until, in a little more than a
14 year after the plan was adopted, it had spread all
15 over Manchuria and Jehol, and because pursuant to his
16 plan and other plans participated in by him, the Kwan-
17 tung Army completely dominated, controlled and governed
18 Manchuria as a satrapy of Japan.
19

20 D-46. Immediately after the Privy Council
21 approved the plan, according to ARAKI, the government
22 decided to send troops to Fengtien Province and an
23 order was delivered to the General Staff which took
24 steps to send the troops.
25

D-45. c. Exs. 2220-21; T. 15843. D-46. a. Ex. 188-E, T. 2240.
d. T. 28239.
e. Ex. 3162, T. 28305-8
f. Ex. 3162, T. 28307.

On December 27 Imperial Sanction for moving a brigade
from Korea was obtained, ^{b.} and on the 28th it was sent. ^{c.}
The Lytton Commission found that beginning with
December 23 there was a concentrated attack on Chin-
chow, culminating in its occupation on January 3,
1932, and that the Japanese continued to the Great "wall.
The Japanese then turned toward Harbin, occupying it
on February 5, 1932. In March a division left Harbin
to suppress anti-Kirin troops and advanced as far as
Sanhsing. Early in May the 14th Japanese Division
arrived. ^{d.} The pretense that these military movements
were to preserve peace and order was abandoned in the
Kwantung Army as defense witness KATAKURA, one of HONJO's
staff, admitted that after December their purpose was
^{e.}
to check the retreating Ting-Chao forces.

D-47. While the Kwantung Army was in the process
of expanding its military operations in Manchuria, a
series of events took place which threatened to expand
immediately the scope of the conspiracy beyond the
area of the first stage, at a time when the main conspira-
tors were not yet ready to proceed. This series of

D-46. b. Ex. 57, T. 2256.
c. Ex. 3161, T. 28134.
d. Ex. 57, T. 2256-60
e. T. 18996.

events has been often referred to as the First Shanghai
1 Incident. Throughout the period the situation be-
2 tween the Chinese and Japanese had become worse. Anti-
3 Chinese riots, the League of Nations found, had
4 occurred in Korea and had led to a boycott of Japanese
5 goods by the Chinese. With the occupation of Manchuria,
6 the boycott was intensified. The mounting tension
7 led to incidents and the Japanese residents of Shang-
8 hai asked for troops and warships to put down the
9 movement. The Japanese Consul General presented five
10 demands to the Mayor of Shanghai. When on January
11 21, 1932, the Mayor asserted that it was difficult to
12 comply with two of the demands, the commander of the
13 naval forces stated that if the reply was unsatis-
14 factory, he would take such measures as necessary to
15 protect Japanese rights. On January 24, the Japanese
16 naval reinforcements arrived. On the 27th, the Japanese
17 consul asked for a reply by six o'clock on the 28th.
18 In the meantime, the Mayor, who was ready to make all
19 possible concessions to avoid a clash, closed down
20 the Boycott Association on the night of January 27-28.
21 In the morning the navy commander announced he intended
22 to act the next morning if there was no satisfactory
23 reply. On the 28th, the Municipal Council of the
24 a. D-47. a. Ex. 59, T. 3286-8.

International Settlement declared an emergency from
1 4 p. m. that day, and the Defense Committee assigned
2 defense sectors to the foreign forces, including the
3 Japanese. At 4 p. m., however, the Japanese consul
4 announced that a satisfactory reply had been received
5 and no action would be taken. At midnight, after
6 stating at 11 p. m. his intention to do so, the navy
7 commander sent troops to the Chapei sector where they
8 came in contact with Chinese troops, which would not
9 have had time to withdraw even if they had wanted to
10 b.
do so, and the battle began. In the meantime,
11 according to ARAKI's testimony, the navy asked for
12 army aid. The government approved, an expedition was
13 decided upon, and the army sent first a mixed brigade
14 followed by the UEDA Division. These troops arrived
15 from February 7 to the middle of the month. Later,
16 there were sent further reinforcements of two divi-
17 sions, which landed in a surprise landing behind the
18 c.
enemy lines on March 1.

D-48. In the meantime, China had once again
20 appealed to the League on January 29, 1932. From Febru-
21 ary 16 to 29, the League tried various methods of stop-
22 ping hostilities. Finally, on March 4, 1932, the
23 a.
24 League called on both nations to enforce the orders

25 D-47. b. Ex. 59, T. 3289-91 D-48. a. Ex. 59, T. 3291-2
c. Ex. 3161, T. 28135-38

given by military commanders to cease fire, and
1 recommended that the nations negotiate for a definite
2 cessation of hostilities and for the regulation of
3 the withdrawal of Japanese forces. On March 5, 1932,
4 the United States instructed its military forces to
5 cooperate. From March 14 to May 5, 1932, the parties
6 negotiated, with the League Committee of Nineteen be-
7 ing required to intervene twice. An armistice was
8 finally signed on May 5, pursuant to which, from May
9 6 to 31 the Japanese forces withdrew, one division
10 b.
11 going to Manchuria.

12 D-48. b. Ex. 59, T. 3292-3.
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D-49. While on the surface the Shanghai
1 Incident may appear as a digression from the main stream
2 of the story and to have no relation to the events in
3 Manchuria, it is respectfully submitted that it has a
4 definite connection with that portion of the conspiracy.
5 While it is true that from one point of view, because the
6 truce gave rise to a Japanese claim which became the
7 focal point for initiating aggression in China proper,
8 this series of events could be considered as part of the
9 second phase of the conspiracy, it is also true that
10 the incident gave rise to an event which was to permit
11 the conspiracy to be worked out in Manchuria as planned.

D-50. On May 5, 1932, the Shanghai Truce was
13 signed, putting an end, in part through foreign inter-
14 vention, to what was principally a navy project. On
15 May 15, 1932, Premier INUKAI was assassinated by naval
16 officers.^a According to the testimony of INUKAI, Ken,
17 the premier's son and confidential secretary, INUKAI
18 was opposed to the expansion of the Manchurian Incident
19 and was in favor of having the army withdraw, but had
20 been unsuccessful in attaining this end.^b More
21 important, he was opposed to the recognition of the
22 puppet state of Manchukuo, regarding it as a violation
23 of
24

D-50
25 a. Ex. 1(1, T. 1479
b. Ex 1(1, T. 1479-80

of China's sovereignty. He had gone so far as to
1 send a delegate to Chiang-Kai-Shek in an effort to
2 settle the problem of Manchuria, but his message had
3 been intercepted by the army.^d His son had been warned
4 that if the Premier continued his antagonistic policy
5 to the army, his life would not be safe.^e However,
6 the army was relieved of this delicate task; the navy
7 with its own grievance did it for them. As a result
8 of the assassination, SAITO became the premier, ARAKI
9 remaining War Minister. The effect of this shift will
10 be fully brought out in subsequent discussion.

D-51. The military expansion in Manchuria
12 continued according to plan. In July and August, the
13 Japanese began the invasion of Jehol with two offensives.^a
14 As of September 1932, the Investigating Committee of the
15 League could conclude that the Japanese, having made
16 their reservation at Geneva, continued to deal with
17 the situation in Manchuria according to plan.^b This
18 continued throughout the rest of 1932, and in the
19 beginning of 1933, the Battle of Shanhaikwan was begun
20 and key points along the Great Wall fell to the Japanese.^c

D-50

- c. Ex. 161, T. 1480
- d. Ex. 161, T. 1480
- e. Ex. 161, T. 1481

D-51

- a. Ex. 192-A, T. 2269
- b. Ex. 57, T. 2253
- c. Ex. 192-A, T. 2269

On February 22, 1933, Japan sent an ultimatum in the name of Mr. Chukuo demanding that Chinese forces withdraw from Jehol in twenty-four hours. Fighting began on February 25, 1933, and the province fell on March 2, 1933. On May 31, 1933, the Tangku Truce, whereby China agreed to withdraw south and west of a certain line and to give Japan the right to ascertain that this withdrawal was carried out by the use of planes and other means of observation, was signed. The Japanese agreed not to cross the line and to withdraw to the Great Wall line.

D-52. By May 31, 1933, the military conquest of all Manchuria and Jehol had been completed. In connection with this military program, the accused have raised two defenses. First, they contend that in the early phases of the military movements they were acting in self-defense to protect Japanese lives and property and to suppress banditry. However, in relation to the question of the suppression of banditry, the Lytton Commission found that the suppression of banditry was only a pretext for proceeding with military action according to plan. Furthermore, it should be noted

D-51

d. Ex. 192-A, T. 2270
e. Ex. 193, T. 2272-4.

with respect to this plea of self-defense, that despite
1 the Japanese claim of the great inferiority of their
2 troops, both in training and in number, particularly
3 the latter, the Chinese constantly retreated in accord-
4 ance with their policy of non-resistance, and city
5 after city fell without major battle. This can only
6 mean that the Kwantung Army met no resistance and took
7 advantage of any sporadic act to increase the area of
8 military operation. In addition, this whole defense is
9 based upon an assumption that the Japanese forces were
10 woefully inferior to those of the Chinese, an assumption
11 which the defense itself has proved to be false. Accord-
12 ing to their own evidence, the Japanese regular army
13 troops in Manchuria had increased from 10,590 on
14 September 18, 1931 to 22,400 in the latter part of
15 April. In addition, there were 85,000 in the so-called
16 "Manchu'uo Army", an army made up of former Chinese
17 regular troops and new recruits, and created with the
18 aid of the Japanese army and advised by regular or
19 retired Japanese officers. Also, there were 119,000
20 local police which were reorganized with Japanese help.^a
21 Second, with respect to the later operations, the
22 accused maintain that the Kwantung Army at that time
23
24 D-52
25 a. Ex. 2414, T. 19533-4

1 was not acting as a Japanese Army but, pursuant to the
2 protocol with Manchukuo, was defending Manchukuo, an
3 independent nation. This defense could be valid only
4 if it were found that Manchukuo was an independent
5 nation. Such a finding is wholly impossible in light
of the evidence which will be considered next.

6 The reading will be continued by Judge Nyi,
7
8 your Honor.

(Reading continued by Judge Nyi):

C. JAPANESE DOMINATION OF MANCHURIA.

1. POLITICAL.

D-53. Almost simultaneously with the beginning
of military operations and continuing throughout the
first half year, there took place a series of highly
significant political events within Manchuria. In
Mukden the Kwantung Army took over, with DOIHARA as
mayor, and normal civil administration was reestablished
under the control of a number of Japanese. On October
20, 1931, Chinese officials took over the government.^a
In Liaoning Province, General Tsang Shih-yi was asked
to form the government on September 20, and on his
refusal, Yuan Chin-kai, together with eight other
Chinese, formed a committee for maintenance of peace

D-53 a. Ex. 57, T. 2754, T. 33603

and order on September 24.^b On October 21, the
1 committee changed its name to "Liaoning Provincial
2 Self-Government Office", and on November 7 it became
3 the "Liaoning Provincial Government ad interim" and
4 severed relations with the former Northeastern and
5 Central governments.^c On November 20, the name of
6 the province was changed to Fengtien, and on December
7 15, General Tsang replaced Yuan as governor.^d In Kirin,
8 on September 30, a new provincial government was
9 established under General Hsi-Hsia.^e On September
10 27, General Chang Ching-hui formed an emergency committee
11 for the special district at Harbin.^f In Heilungkiang
12 there was established after November 19 a Self-Govern-
13 ment Association which invited General Chang of the
14 Harbin Special District to act as Governor, a position
15 which he accepted early in January, 1932.^g General Ma
16 became Governor of Heilungkiang in February.^h

D-54. On February 16 and 17, a meeting for the
19 founding of the new state was held at Mukden, and on
20 the latter day, an administrative council was established

21 D-53

- 22 b. Ex. 57, T. 2755
23 c. Ex. 57, T. 2756-7
24 d. Ex. 57, T. 2758
e. Ex. 57, T. 2759
f. Ex. 57, T. 2760
g. Ex. 57, T. 2761
h. Ex. 57, T. 2761

with General Chang as chairman and the governors of the
1 four provinces and the two Mongol princes as members.^a
2 They decided to become a republic under a regent as
3 chief executive and to issue a declaration of independ-
4 ence.^b On February 18, they issued the declaration,
5 and on the 19th they decided to ask Pu-Yi to become
6 the Chief executive.^c On February 29, an All-Manchurian
7 convention was held at Mukden and a resolution adopted
8 welcoming the new state and designating Pu-Yi as
9 provisional president.^d On March 9, Pu-Yi was
10 inaugurated, and on March 12 notice was given to
11 foreign powers of the establishment of Manchukuo.^e

D-55. This series of events was not a natural
13 phenomenon. Each and every one of them was an integral
14 part of the conspiracy to obtain control of Manchuria.
15 The conspirators were placed in a dilemma. Since
16 ostensibly the military operations were being carried
17 out to maintain law and order, once law and order were
18 restored, there would no longer be any reason for keeping
19 Japanese troops in Manchuria or for interfering in any
20 manner. This did not suit the conspirators' purpose.
21

D-54

- 23 a. Ex. 57, T. 2765-7
- 24 b. Ex. 57, T. 2767
- 25 c. Ex. 57, T. 2767-8
- d. Ex. 57, T. 2774-5
- e. Ex. 57, T. 2775-6

Japan could not openly make Manchuria part of her
1 Empire because she stood committed by treaty not
2 to infringe on the sovereignty of China. The only
3 alternative was to have the separation from China
4 appear as a spontaneous independence movement on the
5 part of the Manchurians and, at the same time, to link
6 the new "independent" government inextricably to Japan
7 so that Japan might dominate and control it completely
8 for her own ends and purposes.
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D-56. The independence movement had to be
1 created out of whole cloth. The Lytton Commission,
2 which made a thorough investigation almost contemporaneously with the events and whose findings were
3 endorsed by the entire League of Nations, found that
4 the independence movement had never been heard of
5 before and that it was not a spontaneous movement.
6
7 Defense witness H. TA, who commanded the 29th Infantry
8 in Liaoning Province from April 1931 to August
9 1932, an excellent position from which to gain first-
10 hand knowledge, volunteered during cross-examination
11 that he was not aware or informed of any movement for
12 b. independence. MORISHIMA stated that even though
13 there might have been one or two exceptions there was
14 no spontaneous movement from the people.
15

D-57. To bring about independence, the conspirators had to obtain control of the leaders and also to obtain ostensible support of the people. The methods used in obtaining control of the leaders were pressure and bribery. The Lytton Commission found that in Liaoning Province, when General Tsang refused on September 20 to head a new provisional government independent of China, he was arrested and kept

D-56

a. Ex. 57, T. 2779
b. T. 19,298-9

c. T. 3118

confined until December 15, at which time he became Governor of Fengtien Province. In his new government, practically all important officials were Japanese. In Kirin, the new government was established only after General Tamon had interviewed General Hsi-Hsia and invited him to assume the chairmanship of the government. This government also had Japanese officials. In Harbin, when General Chang, the designated Governor of Heilungkiang, friendly to the Japanese, was placed under restraint by General Tsang, he was released when the Japanese took Harbin. Japanese influence in that region increased. In Heilungkiang, General Ma at first opposed the Japanese but subsequently, in February, came to terms with them. Defense witness KATAKURA stated that after Ma was defeated at Hailun, he was interviewed by ITAGAKI and persuaded by the latter's statement of Japan's intentions to accept the position of governor. KATAKURA, who strongly maintained the theory of the spontaneity of the independence movement, admitted that ITAGAKI's assurances to Ma and others might be said to have served as a suggestion for the independence movement.

D-52

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|---------------------|----------------------|
| a. Ex. 57, T. 2755 | e. Ex. 57, T. 2759 |
| b. Ex. 57, T. 2758. | f. Ex. 57, T. 2760-1 |
| c. Ex. 57, T. 2758 | g. Ex. 57, T. 2761 |
| d. Ex. 57, T. 2758 | h. T. 18,950. |

ence movement and as an indirect stimulus for it.

1 Prosecution witness Powell saw a long circular tele-
2 gram sent by Ma to Chiang Kai-shek in which Ma stated
3 that in accepting office with the puppet government
4 he had received a million dollars in gold from
5 Japanese military sources after continuous discussions
6 with the accused DOHIHARA.
j.

D-58. Obtaining control of the leaders
alone was insufficient for the purposes of the con-
spirators. The movement had to be made to appear as
a wholly spontaneous popular movement. This was done
through the Self-Government Guiding Board. The Lyt-
ton Commission found that this agency was the chief
one in bringing about independence. Although it
had a Chinese chief, it was organized and largely
officered by Japanese and functioned as an organ of
the Kwantung Army with the main purpose of fostering
independence. MORISHIMA concurred in this finding.
a.
b.
c.
On January 7, 1932, this organization issued 50,000
copies of a proclamation for an independent Man-
churia. The defense witness ISHIHARA, while
attempting in the course of his testimony to belittle
the role played by ITAGAKI, admitted that he had
D-57 D-58 a. Ex. 57, T. 2763
1. T. 19081-2 b. Ex. 57, T. 2764
j. T. 3233 c. Ex. 245, T. 3023-4
d. Ex. 57, T. 2764-71; Ex. 221,
T. 2794

stated previously to the prosecution that NAKANO and
1 KASAGI had planned and studied this organization
2 prior to the incident and had organized as early as
3 1928 various groups comprised mostly of Japanese, which
4 groups were amalgamated after the incident to form the
5 Board; that the Board was organized in September or
6 October 1931 by NAKANO and KASAGI, that it came under
7 the command of the Kwantung Army with ITAGAKI as its
8 political advisor, and that everything it did had to
9 be sanctioned by that army. KASAGI himself testi-
10 fied that immediately after the incident NAKANO was
11 ordered by the Kwantung Army to join the Board and
12 to foster, coordinate and direct the activities of
13 groups urging independence. In October, KASAGI was
14 called to Dairen and made chief liaison man for the
15 Board at Mukden. He stated that while the Board had
16 as its chief a Chinese, only about 15 of the 120
17 members were Chinese. Money for the organization he
18 believed came from the Kwantung Army, since they
19 closely cooperated and had to approve all policies
20 and activities. ITAGAKI was in charge of activities
21 and policies of the Board; ISHIHARA was in charge of
22 special services or espionage. Much information on
23
24 D-58
25 e. T. 22,250-2
f. Ex. 221, T. 2791

friendly Chinese was g through DOHIHARA's office.

D-59. The Board operated through local self-government boards in the various districts, and there were two or three representatives, mostly Japanese, from the central organ in each district. Immediately after the declaration of independence, the Guiding Board took a leading role in organizing popular support. It formed societies and organized branches to hasten the movement. From February 20, it issued a great deal of literature, held meetings of prominent persons and mass meetings and parades at which resolutions for independence were passed. The Japanese fired artillery guns, flew planes, and dropped leaflets.

D-60. Exhibit 2296-A, introduced in ITAGAKI's behalf, has given us a most interesting example of the forced character of the alleged spontaneity of the independence movement. This is a report of a meeting held in Muang on January 11, 1932. With the exception of six Chinese, the other 17 participants were all Japanese from the army, navy, consulate,

D-58

g. Ex. 221, T. 2791-4

D-59

c. Ex. 57, T. 2769

d. Ex. 57, T. 2769-70

e. Ex. 57, T. 2773

D-59

a. Ex. 57, T. 2764;
Ex. 221, T. 2791-2

b. Ex. 57, T. 2769

D-60

a. T. 30,063

b.
Kwantung Government and the Railway. The chairman
1 was Japanese, and the meeting was opened with the
2 reading of a message from Ambassador YOSHIZAWA which
3 impliedly invited independence. Every single idea
4 at the meeting was introduced by a Japanese and
5 acquiesced in by the Chinese. The idea of a new
6 regime was proposed by a Japanese and half-heartedly
7 concurred in by Yu Chung-Han.
8

D-61. More independence of Manchuria from
9 China was insufficient. The new government had to
10 be sufficiently centralized so as to make its control
11 and domination relatively easy. Due to inter war-
12 lord feuds, there was no one strong enough among the
13 Manchurian leaders to control the situation satis-
14 factorily. However, there was one person who by
15 history and tradition commanded the allegiance of all
16 Manchurians. This was Henry Pu-Yi, former Emperor
17 of China, last of the Manchu line of Emperors. If he
18 could be persuaded or forced to head the new govern-
19 ment, he would serve as the focal point for arousing
20 enthusiasm for the independence movement and would
21 furnish through the common loyalty of all to him, a
22 central government easily controlled and which the
23

24 D-60

b. T. 30,063-5
c. T. 30,066

d. T. 30,065
e. T. 30,067

Japanese need not fear would disintegrate because of
1 internecine feuds.

2 D-62. The task of bringing Henry Pu-Yi to
3 Manchuria and making him head of the government was
4 undertaken by the Kwantung Army. In October, DOHI-
5 HARA was sent by HONJO to Tientsin for the purpose
6 of convincing Pu-Yi to come to Manchuria. DOHIHARA,
7 in his interrogation, admitted that in October, while
8 still mayor of Mukden, he was sent by HONJO to con-
9 tact Pu-Yi. While the order was issued by HONJO, the
10 details of the meeting and transportation and expenses
11 were arranged by ITAGAKI. His instructions were to
12 convey to Pu-Yi the information that if he should re-
13 turn to Manchuria, the Kwantung Army would welcome
14 him. DOHIHARA admitted that he felt that the Kwan-
15 tung Army must have had the idea that they wanted
16 Pu-Yi as head of the new puppet government and also
17 knew that Pu-Yi would understand what was meant by
18 the welcome. DOHIHARA also stated that he was told
19 by ITAGAKI not to use force in getting Pu-Yi to re-
20 turn, a device which DOHIHARA might well use since
21 it was his motto to see that whatever order he re-
22 ceived, its purpose was accomplished. The statement
23 that DOHIHARA was sent to see Pu-Yi was confirmed by
24 D-62 a. Ex. 2190-A, T. 15,726-9.

b. defense witness KATAKURA and the accused MINAMI. c.

1 Pu-Yi testified that about this time he was annoyed
2 by a series of threats and terroristic acts, such as d.
3 being sent a basket of fruit which contained a bomb.
4 Later, he learned that this was the work of the Japan-
5 er militarists. DOHIHARA was then active in North
6 China and Pu-Yi was reliably informed that whatever
7 happened, DOHIHARA was the man pulling the strings
8 from behind. e. Commander KASHII of the garrison
9 forces in Tientsin was then sent to persuade Pu-Yi
10 to go to Port Arthur. Under KASHII's compulsion he
11 f. went. He was taken to the Tientsin wharf by a
12 Japanese and went to Yinkow, Takukow and Port Arthur
13 g. accompanied by three or four Japanese. Attempts
14 have been made to attack the credibility of Pu-Yi as
15 a witness because of certain alleged untruths about
16 his willingness to become the head of a puppet
17 government. While a man may become a puppet, no man
18 will adm' he became one willin, .y. Furthermore, the
19 issue of Pu-Yi's willingness or unwillingness to be-
20 come a puppet is wholly immaterial. The real issue
21 is: was he or was he not a puppet, willing or
22
23

24 D-62

25 b. T. 18,970-1 e. T. 4124
c. T. 19,906, 19,912-3 f. T. 3955-6
d. T. 3954 g. T. 4130-1

unwilling. Moreover, his testimony is amply corroborated by the Japanese themselves. The Foreign Office was kept fully advised of DOHIHARA's activities and Pu-Yi's movements. On November 2, 1931, MURAI, the consul at Shanghai, notified SHIDEHARA of an item in a newspaper publishing a telegram from Tientsin that DOHIHARA was there secretly and was planning to take Pu-Yi to Mukden and that the latter had refused h. and was being threatened. The following day, KUWASHIMA in Tientsin reported that DOHIHARA had stated that the present Manchurian Government would conspire with China and there would be no prospect of the natural development of events expected by Japan; that to pretend Japan had nothing to do with Pu-Yi's abduction, Pu-Yi would have to land at Yinkow; if Pu-Yi went, it would be possible to make it appear as a Chinese movement. DOHIHARA was advised by KUWASHIMA to give up the plan, but he refused and said he would sound out Pu-Yi and point out that there would be no future opportunity. On the same day, DOHIHARA told the Consulate staff that if the enthronement of Pu-Yi was needed to save the situation, it would be outrageous for the Japanese Government to try and prevent

D-62

h. Ex. 288, T. 4363

i. Ex. 289, T. 4364-6

it. He threatened that the Kwantung Army might
1 separate from the government or that an incident might
2 take place in Japan. He pointed out his close con-
3 nections with HONJO and that the latter had to take
4 his influential background into consideration. On
5 the same day, KUWASHIMA again reported that on
6 November 2, DOHIHARA had seen Pu-Yi, insisted that
7 Pu-Yi arrive in Manchuria by November 16, and
8 promised that Japan would recognize him as head of an
9 independent state and would conclude a defensive and
10 offensive alliance. On November 4, KUWASHIMA re-
11 ported that when Pu-Yi refused to go, he was threat-
12 ened by DOHIHARA.^{1.} On November 11, Pu-Yi left
13 Tientsin and went to Yinkow. Consul ARAKAWA at Yin-
14 kow reported that he had learned from the captain of
15 the boat that DOHIHARA was head of the escape plan
16 and Pu-Yi was brought under armed guard. On
17 November 13, KUWASHIMA, confirming his earlier re-
18 port of the 12th,^{n.} reported that he had learned
19 from an army representative that despite denials the
20 army knew all about Pu-Yi's movements and that they
21 would protect the consulate by giving out the story
22 that Pu-Yi fled and after several days appeared in
23 that Pu-Yi fled and after several days appeared in
24

D-62

j. Ex. 290, T. 4367-9 l. Ex. 292, T. 4375-6
k. Ex. 291, T. 4373-4 m. Ex. 294, T. 4379-80
n. Ex. 293, T. 4377.

1 Manchuria. On the same day, KUWASHIMA asked SHIDE-
2 HARA to issue a statement along the lines of the
3 p. army story. On the 13th, Consul HAYASHI in Mukden
4 reported that, according to HONJO, the army would
5 have Pu-Yi taken to Tank-Kangtzu by the Kwantung
6 q. Government and kept in light confinement, and on
7 the same day another consul reported his arrival.
8 Later KUWASHIMA reviewed the whole story and reported
9 to SHIDEHARA that DOHIHARA had come to entice Pu-Yi
10 and, despite all warnings that it was against national
11 policy and deeming it unavoidable from the stand-
12 point of the Kwantung Army, DOHIHARA had entered into
13 all kinds of plots, including the starting of a riot
14 on November 3. On the failure of the riot, he car-
15 ried out Pu-Yi's passage to manchuria.
s.

16 D-63. Pu-Yi having been brought to manchuria,
17 the pretense that his coming had no political connect-
18 ion was continued. By telegram from the war minister,
19 the Kwantung Army was instructed to take into con-
20 sideration possible international repercussions and
21 that for the time being the general public should be
22 led to believe that Pu-Yi would have nothing to do
23 a.
24 with politics. On November 20, Pu-Yi was moved to

25 D-62 o. Ex. 295, T. 4381-3 r. Ex. 298, T. 4390
p. Ex. 296, T. 4384-5 s. Ex. 300, T. 4394-7
q. Ex. 297, T. 4387-8 D-63 a. Ex. 299, T. 4392-3

39,150

b.
Port Arthur, and thereafter he was joined by his
wife, whose escape from Tientsin was likewise engin-
eered by the army.
c.

D-63

b. Ex. 302, T. 4400
~~c. Ex. 303, T. 4401; Ex. 304, T. 4402.~~

D-64. Pu-Yi was kept out of politics until
1 January 29, 1932. On that day on order of HONJO he
2 was interviewed by ITAGAKI.^{a.} According to Pu-Yi,
3 ITAGAKI stated he hoped the former would become head
4 of the new political regime and told him that Japan
5 had no territorial designs on Manchuria and would
6 respect its sovereignty.^{b.} Pu-Yi refused because of
7 the demand that Japanese be employed as Manchurian
8 officials.^{c.} Even ITAGAKI goes as far as to state
9 that he was not sure whether after this interview,
10 Pu-Yi would accept if he was not also made Emperor.^{d.}
11 On February 21, ITAGAKI met with certain advisors of
12 Pu-Yi.^{e.} According to Pu-Yi, he was told by his
13 advisors that ITAGAKI had told them that if he,
14 Pu-Yi, did not accede, the Kwantung Army would take
15 drastic action and his life would be in danger.^{f.}
16 ITAGAKI gave a different version of the story. He
17 denied using any coercion and stated that the advisors
18 were sent by Pu-Yi, and that following this meeting,
19 on February 22, he, ITAGAKI, met with Pu-Yi and
20 explained the situation, after which Pu-Yi approved.^{g.}
21 It is of absolutely no importance in this proceeding
22
23 D-64.

24 a. Ex. 3316, T. 30280.
25 b. T. 3959-60.
c. T. 3962.
d. Ex. 3316, T. 30281.

e. Ex. 3316, T. 30283.
f. T. 3964-7.
g. Ex. 3316, T. 30283-4.

which of the two versions is accepted. In any event,
1 it is clear that Pu-Yi, who was then in Japanese hands,
2 was at least persuaded, if not forced, to accept the
3 regency of Manchuria by ITAGAKI.

4 D-65. It is respectfully submitted that all
5 of the additional evidence heard by this Tribunal
6 fully supports the finding of the League of Nations,
7 a finding which in itself is entitled to the greatest
8 evidentiary weight. The League found that a group of
9 Japanese, civil and military, conceived, organized and
10 carried through the Manchurian independence movement
11 as a solution to the situation in Manchuria; that
12 this movement received assistance and direction from
13 the Japanese General Staff and could have been carried
14 through only because of the presence of Japanese
15 troops.^a.

17 D-66. While the Kwantung Army was proceeding
18 to set up the Manchurian Government, Tokyo was taking
19 steps to carry out the plan. At first, the authorities
20 in Tokyo were opposed to the establishment of an inde-
21 pendent Manchuria. On September 21, the Cabinet
22 decided that no military administration would be set
23 up.^a. HONJO had already appointed DOHIHARA mayor of

25 D-65.
a. Ex. 57, T. 2882-3.

D-66.
a. T. 19878.

Mukden and he did not immediately comply with this
1 order.^{b.} When he did comply after a month or two, he
2 did so, it is submitted, principally because, as
3 pointed out above, a military administration would
4 have been ruinous to the entire project. On September
5 26, the Cabinet decided to prohibit Japanese participa-
6 tion in establishing the new government, and orders
7 were sent to the consulates and the Kwantung Army.^{c.}
8 At first, HONJO complied with this order, but his
9 attitude gradually changed.^{d.} This is evident from
10 his actions in sending DOHIHARA to Tientsin. HONJO
11 now decided to have more active support from the central
12 authorities. He reported his views both in November
13 and January.^{e.} On January 4, 1932, ITAGAKI was sent
14 to Tokyo.^{f.} According to KIDO's diary, in an audience
15 before the Emperor, ITAGAKI hinted that Manchuria
16 would be placed under a new ruler, that the Japanese
17 Army would take care of its national defense, and that
18 Japanese would become high government officials.^{g.}

D-67. Following ITAGAKI's visit, there was a
21 marked change in the Japanese government policy, and
22 D-66.

- 23 b. Ex. 2194, T. 15737-8; T. 19879.
24 c. Ex. 2435, T. 19783.
25 d. T. 19013.
e. T. 19080.
f. Ex. 3316, T. 30278.
g. Ex. 2191, T. 15731-2.

the Cabinet took for itself the power to regulate the
1 business of Manchuria. While it was not, because of
2 international reasons, yet ready to accord formal
3 recognition to the new state, elaborate preparations
4 were made. According to ARAKI, in February or March
5 1932, following a report from HONJO that it was advis-
6 able to set up Pu-Yi as head of the Manchukuo govern-
7 ment, the Cabinet established an administrative
8 committee to create the independent state of Manchu-
9 kuo.^a. The policy adopted was that Japan should render
10 all aid in a proper way, and instead of recognizing
11 Manchukuo for the time being, it should have Manchukuo
12 fulfill the conditions for an independent state
13 gradually, and should try to have Manchukuo recognized
14 internationally.^b. It provided that Japan, with
15 respect to real power on foreign and home affairs,
16 should permit the new state to appoint a small number
17 of Japanese officials and thereafter gradually in-
18 crease them. When Japan decided its policies, the
19 officials in Manchuria would be notified and required
20 to use their best efforts to lead the new state.^c.
21 Alternative plans for seizing the customs were
22 advanced.^d. They were to avoid appointing too many
23
24 D-67.

a. Ex. 137-I, T. 2784.
b. Ex. 222, T. 2817-8.

c. Ex. 222, T. 2819.
d. Ex. 222, T. 2819-20.

Japanese officials lest it stimulate a claim that
1 the new state was a Japanese protectorate, and for
2 the time being Japan's control would be carried out
3 through military power.^e. On April 11, 1932, the
4 Cabinet decided that Manchukuo should employ author-
5 itative persons from Tokyo as the highest advisors
6 on economic and political problems, and should appoint
7 competent Japanese nationals to leading posts in the
8 Privy Council, the central bank, and other organs.
9 It also decided that real power of management of
10 transportation should be held by Japan for purposes
11 of national defense and the economic requirements of
12 Japan and the new state.^f. On May 3, 1932, the Cabinet
13 decided that Manchuria might buy a railroad and fixed
14 the terms and manner of payment.^g.

D-68. In May, the INUKAI Cabinet was succeeded
17 by the SAITO Cabinet. This cabinet was definitely
18 committed to the recognition of Manchukuo. However,
19 at first it was not yet ready to openly recognize it.
20 When on June 4, 1932, the Chief of Staff of the
21 Kwantung Army pointed out the necessity of seizing
22 the customs houses to obtain revenue for the new
23

D-67.

- 25 e. Ex. 222, T. 2822.
f. Ex. 223, T. 2825-7.
g. Ex. 224, T. 2827-8.

government and that the whole problem would be
easily solved if Japan formally recognized Manchukuo,^{a.}
ARAKI replied on June 10, 1932, that he understood
the Chief of Staff's concern but that the time for
official recognition had a very delicate bearing on
circles at home and abroad, and it would be effected
whenever opportunity offered itself.^{b.} By August,
however, the Cabinet was completely ready to recognize
Manchukuo and agreed to do so;^{c.} and on September 15,
1932, formal recognition was given and the Japan-
Manchukuo Protocol signed.^{d.} The protocol contained
two clauses, in the first of which Manchukuo guaranteed
all Japan's former rights, and in the second of which
both agreed that every menace to one was a menace to
the other and pledged to jointly defend themselves.
For this purpose Japan was to have the right to
station troops in Manchukuo.^{e.} In addition, there
were four strictly confidential agreements which
Manchukuo confirmed and declared to be binding.^{f.} By
the first exchange of communications Manchukuo en-
trusted her national defense and maintenance of peace

D-68.

a. Ex. 227, T. 2833-43.

b. Ex. 228, T. 2846.

c. Ex. 229, T. 2899-902.

d. Ex. 3161, T. 28150-1; Ex. 440, T. 5034-5.

e. Ex. 241, T. 2975-6; Ex. 440, T. 5034-5.

f. Ex. 241, T. 2977.

and order to Japan and agreed to bear the cost.

1 Manchukuo also agreed to give, maintain and construct
2 transportation facilities for the purposes of Japan's
3 national defense. Manchukuo was to give all assistance
4 to Japan in connection with the establishments needed
5 by the Army. Japan was to have the right to appoint
6 councilors to Manchukuo, and Japanese were to be
7 appointed as officials in both the central and local
8 governments. Such officials were to be selected on
9 the recommendation of the Commander of the Kwantung
10 Army and their discipline was to be subject to his
11 consent.^g. The other three agreements were the trans-
12 portation and airway agreements of August 7, 1932,
13 and the mining agreement of September 9, 1932.^h. In
14 connection with the Protocol and the last three
15 agreements, which were all written in both languages,
16 all disputes were to be determined by the Japanese
17 text.ⁱ.

18
19 D-69. When the Protocol and secret agreements
20 were being considered by the Privy Council, the coun-
21 cillors were assured that their approval would not
22 violate the Nine Power Pact.^a. They were also assured
23 that the Treaty improved Japan's position with the
24

D-68.

25 g. Ex. 241, T. 2978-9.

D-69.

a. Ex. 241, T. 2986.

h. Ex. 241, T. 2980-1.

i. Ex. 241, T. 2981.

League and would prove effective in maintaining and
1 expanding Japan's special rights in Manchukuo and in
2 elevating Japan from a troublesome international pre-
3 dicament.^{b.} When these predictions failed to come
4 true and the League branded Japan as a violator, Japan
5 in March 1933 withdrew from the League.^{c.}

D-70. As soon as the Protocol had been
7 signed, the accused KOISO, then Chief of Staff of the
8 Kwantung Army, was given on November 3, 1932, an
9 outline for the guiding of Manchukuo. It provided
10 that nominally Manchukuo was to be a constitutional
11 Empire but actually an autocracy. Japanese officials
12 under the inner leadership of the Kwantung Army were
13 to lead, leaving the Manchukuoans to assume charge
14 outwardly while Japanese controlled the substance.^{a.}
15 A civil organ over which the Commander of the Kwantung
16 Army would be the Chief was to be set up to accomplish
17 Japan's national policy. The commander was to have
18 control of all Japanese officials. Diplomatically,
19 while Manchukuo was to adopt a non-interference atti-
20 tude toward China in principle, she would adopt an
21 anti-Chinese principle and would have the same attitude
22 as Japan towards the Soviet and the United States.
23

24 D-69.

b. Ex. 241, T. 2993.
c. Ex. 65, T. 2895-6.

D-70.

a. Ex. 230, T. 2903-4.

1 Temporarily, she was to advocate the Open Door and
2 welcome foreign investment. Japan did not encourage
3 political ideas among the people. Japanese participa-
4 tion in government was not to be limited in number,
5 and Japanese must lead politics through control of
6 the State Councillors. Japanese participation in
7 industry was to be welcomed. In August 1933, a
8 similar guiding policy was adopted. It emphasized
9 that Japanese officials must be the nucleus of Manchu-
10 kuo's affairs. All concrete plans were to receive
11 Japanese approval, and the most important plans were
12 to be decided by the Japanese Cabinet.^{c.} On December
13 22, 1933, the Japanese Cabinet decided that Manchukuo
14 was to become a monarchy and so directed, and stated
15 that this decision did not mean any change in policy
16 or spirit in directing Manchukuo or any hindrance to
17 the execution of national policies.^{d.}

18 D-71. To carry out these programs control
19 was centralized both in Manchuria and Tokyo. In
20 Manchuria, the Commander of the Kwantung Army became
21 the Governor of the Leased Territory and Ambassador
22 to Manchukuo. In 1934, the offices of Commander and

23
24 D-70.

25 b. Ex. 230, T. 2905-11.
c. Ex. 233, T. 2927-32.
d. Ex. 234, T. 2933-6.

Ambassador were combined and the office of Governor
1 abolished.^a. Since the holder of these offices came
2 under different jurisdictions in Tokyo on different
3 aspects of his work, the Manchurian Affairs Board
4 was set up under the presidency of the War Minister
5 who was thus able to coordinate civil and military
6 administration.^b.

D-72. Pursuant to these policies, Japan
8 exercised complete political domination over Manchu-
9 kuo. Even before the policies were fully worked out,
10 the Lytton Commission found that although the Premier
11 and other Ministers were Chinese, the Japanese exer-
12 cised the greatest actual power and controlled the
13 Board of General Affairs and the legislative and
14 advisory bureaus which in practice constituted the
15 Premier's office.^a. It found that main political
16 and administrative power rested in the hands of
17 Japanese officials and advisors, who were becoming
18 more and more constrained to follow the direction of
19 Japanese official authority.^b. The control exercised
20 after recognition, if anything, as even greater. The
21 witness TANAKA, who served in Manchuria under MINAMI
22

D-71.

a. Ex. 452-A, T. 5115-6.
b. Ex. 451, T. 5113-4;
Ex. 452, T. 5115-6.

D-72.

a. Ex. 57, T. 2850.
b. Ex. 57, T. 2853.

when the latter was Commander of the Kwantung Army,
1 Governor of the Leased Territory and Ambassador to
2 Manchukuo, testified that Manchukuo was not independent.
3 He stated that it could not be independent, because
4 under the Joint Defense Pact of 1932 the Kwantung
5 Army could control internal affairs, and because it
6 exercised through the General Affairs Department the
7 political and economic control that Japan desired.^{c.}
8 Important positions were entirely filled by Japanese
9 and personnel shifts could not be made without Army
10 approval.^{d.} The General Affairs Board controlled the
11 departments and the Board in turn was controlled by
12 the Kwantung Army.^{e.} The Military Affairs Department
13 had Japanese officer advisors and was closely linked
14 to the Kwantung Army.^{f.} In his interrogation, MINAMI
15 admitted that he advised Manchuria on all types of
16 subjects and his advice was accepted. He said one
17 might say that his advice was in substance a direc-
18 tion.^{g.} If it is true, as the defense contends, that
19 the Kwantung Army never ordered anything, it is sub-
20 mitted that there was no need for it to order, since
21 the Army's power was so great it needed only to express
22 its desire to have it carried out.

24 D-72.

25 c. T. 1998.
d. T. 1999.
e. T. 1999.

f. T. 1999-2000.

g. Ex. 2207, T. 15788-89.

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23

D-72.

25 c. T. 1998.
d. T. 1999.
e. T. 1999.

f. T. 1999-2000.
g. Ex. 2207, T. 15788-89.

Pu-YI's private life was closely guarded. Control
1 was carried so far that Shintoism was introduced and
2 made compulsory in Manchukuo. Under orders of UMLZU
3 as Commander of the Kwantung Army, Pu-YI in 1940 was
4 taken to Japan and given two of the three sacred treasures
5 On his return, the organic laws were revised to make
6 Shintoism compulsory for everyone under penalty of
7 confinement.

D-74. The control exercised by Japan went far beyond the government itself and extended to control and domination of the people and their thought. The agency for this part of the task was the Concordia Society which was the spiritual successor to the Guiding Board. KASAGI testified that upon the installation of the new government, the Guiding Board was abolished and he helped to establish the Shiseikyoku, a branch of the new government dealing with cultural, spiritual and educational development. This was abolished in about three or four months, and its work was carried on by the government through the Concordia Society. This Society was formed on July 25, 1932, by a committee of which ITAGAKI was a member. Its purpose was described by defense witness MATSUKI as being to stimulate and promote free expression of the people's will and to transmit government policy (D-73. i. T. 3996-4000. j. T. 4005-17.) (D-74. a. Ex.221,T.2795. b. Ex.2439,T.20179. c. Ex.731A,T.7606.)

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D-73. The witness Pu-Yi testified at length
as to the puppet nature of his administration and how
completely dominated it was by the Japanese. He was
told nothing about the treaty with Japan, signed while
he was Regent, until the day before signature, and he
ratified it under threat of military force.^{a.} He was
not allowed to speak freely to the Lytton Commission.^{b.}
He could appoint neither civil nor military officials.^{c.}
In 1933, prior to becoming Emperor on March 1, 1934, he
was told by Generals MUTO and HISHIKARI that Japan
planned to have Manchukuo converted into an Empire along
Japanese lines.^{d.} The witness was not permitted to
interfere in army or financial affairs.^{e.} Practically
all vice-ministers were Japanese and they actually
governed.^{f.} All ordinances and laws were the work of
the Director of the General Affairs Board, the Vice-
Ministers and the Chief of the Fourth Section of the
Kwantung Army, who all met as a unit, and the enactments
had to be approved by the Kwantung Army.^{g.} Chinese
ministerial approval was only nominal, since all
ordinances had to be first passed by the vice-ministers,^{h.}
who could enact minor laws without further approval.

(D-73. a. T. 3978. e. T. 3990.
b. T. 3982-6. f. T. 3992-3.
c. T. 3986-7. g. T. 3993.
d. T. 3988. h. T. 3994.)

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1 was carried so far that Shintoism was introduced and
2 made compulsory in Manchukuo. Under orders of UMLZU
3 as Commander of the Kwantung Army, Pu-Yi in 1940 was
4 taken to Japan and given two of the three sacred treasures
5 On his return, the organic laws were revised to make
6 Shintoism compulsory for everyone under penalty of
7 confinement.

D-74. The control exercised by Japan went far beyond the government itself and extended to control and domination of the people and their thought. The agency for this part of the task was the Concordia Society which was the spiritual successor to the Guiding Board. KASAGI testified that upon the installation of the new government, the Guiding Board was abolished and he helped to establish the Shiseikyoku, a branch of the new government dealing with cultural, spiritual and educational development. This was abolished in about three or four months, and its work was carried on by the government through the Concordia Society.^{a.} This Society was formed on July 25, 1932,^{b.} by a committee of which ITAGAKI was a member.^{c.} Its purpose was described by defense witness MATSUKI as being to stimulate and promote free expression of the people's will and to transmit government policy (D-73. i. T. 3996-4000. (D-74. a. Ex.221,T.2795.
j. T. 4005-17.) b. Ex.2439,T.20179.
c. Ex.731A,T.7606.

1 and intention to the people. In light of the attitude
2 expressed as to the people's role in government in guid-
3 ing policies and in view of the fact that the Commander
4 of the Kwantung Army was its Supreme Adviser,^{e.} the
5 Society was in fact an organ of control, similar to the
6 subsequent I.R.A.A. in Japan, the peculiar Japanese
7 variant of a nazi or fascist party. Its real purpose
8 was disclosed by the Society in 1942 as nothing less
9 than carrying out the ultimate purpose of Manchukuo to
10 subserve Japan in her struggle against the Anglo-Saxon
11 World and the Comintern.^{f.} The organization worked
12 through a series of congresses in the prefectures and
13 provinces until it reached the National Combined Con-
14 gress.^{g.} It was so powerful that, as defense witness
15 MATSUKI related, the question arose as to how to harmon-
16 ize legally the Society with the legislative Yuan
17 required by the organic law of Manchukuo.^{h.} The answer
18 was simple: the legislative Yuan never came into
19 existence.
20

21 D-75. In addition to the control of public
22 opinion by the Concordia Society, there was rigid con-
23 trol of the press. In 1935, the Kwantung Army proposed
24 a plan whereby all the press organs would be organized
25 (D-74. d. Ex. 2439, T. 20179. g. Ex. 2439, T. 20180.
e. Ex. 731A, T. 7606. h. Ex. 2439, T. 20180.)
f. Ex. 731A, T. 7607.

1 into one organization for the purpose, inter alia,
2 of facilitating unitary control and execution of prop-
3 aganda necessary to accomplish national purposes.
4 The association was to decide on propaganda policy and
5 control propaganda operations. Expenses of the
6 organization were to be borne by the Kwantung Army,
7 Manchukuo, and the Railway.

8 D-76. By 1936, Japan had acquired such complete
9 control over Manchuria that it felt it could completely
10 abolish extra-territoriality. On June 10, 1936, such
11 a treaty was signed. However, it was accompanied
12 by a supplementary agreement which had many reservations
13 in favor of the Japanese, which, coupled with the
14 control already exercised by Japan, gave the Japanese
15 even greater control and a much more privileged position
16 than they held before.
17

18 Mr. Crowe will continue.

19 THE PRESIDENT: Mr. Crowe.

20 MR. CROWE: 2. ECONOMIC DOMINATION.

21 D-77. Along with Japan's acquisition and ex-
22 ercise of political power, she also acquired and ex-
23 ercised economic domination and control over Manchuria.

24 (D-75. a. Ex. 240, T. 2968.
25 b. Ex. 240, T. 2969.
c. Ex. 240, T. 2970.)

(D-76. a. Ex. 237, T. 2944-6.
b. Ex. 238, T. 2949-58.)

The dominant idea was to form a single economic unit
1 of Japan and Manchukuo under Japan's control. As early
2 as April 11, 1932, immediately after the institution of
3 the new government, the Japanese Cabinet decided that
4 in order to solidify the foundation of the state by
5 establishing a financial and economic policy to enhance
6 international confidence and to realize a single economic
7 unit of Japan and Manchukuo, the new state should employ
8 Japanese as authoritative advisers on economic problems
9 and should appoint Japanese officials to economic
10 posts. The same decision reserved the real power of
11 management over railroads and other means of transpor-
12 b.
tation for Japan. Acknowledging that Japan in November
13 1931 had decided to have the Japanese Transportation
14 Company open regular air routes on the pretext of
15 military need to establish a foundation for acquiring
16 aviation rights in Manchuria and Mongolia, the SAITO
17 Cabinet, in August 1932, decided that it was important
18 that this service become a permanent business organiza-
19 tion to be managed so as to contribute to the execution
20 of Japan's aviation policy, to the development of industry
21 and to the acquisition of aviation rights in China
22 c.
proper. The business was to be under the leadership
23 (D-77. a. Ex. 223, T. 2826.
24 b. Ex. 223, T. 2826-7.
25 c. Ex. 225, T. 2831-2.)

and supervision of Japan through a joint Japan-Manchukuo company in which Japanese would hold substantial leadership and supervision. Subsidies were to be given by the Manchukuo government and the Railway. In connection with the signing of the Protocol, three of the supplementary agreements dealt with Japanese rights in transportation, aviation and mining.

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(D-77. d. Ex. 225, T. 2832.
e. Ex. 225, T. 2833.
f. Ex. 241, T. 2980-1.)

D-78. The fact that these early steps were

not isolated phenomena of grabbing but were part of a complete plan to dominate Manchuria entirely becomes established even more strongly when Japan's actions subsequent to the recognition of Manchukuo are considered. In the first guiding plan given by the Cabinet to the Kwantung Army on November 3, 1932, it was stated / that, economically, co-prosperity and co-existence should be the basic principle, and that the system was to be an economic bloc between Japan and Manchuria. The idea of a "fit industry for suitable locality" was to be adopted so that each member of the bloc might coordinate its industries with the other and abolish customs barriers with the aim of acquiring self-sufficiency and making an advance toward worldwide industr.^{a.} Following the adoption of this policy, the Cabinet decided a policy for Manchurian wire, wireless, telegraph, tele-^{b.} phone and broadcasting enterprises. This company was to be a joint enterprise under the joint control of the government and military of both nations, but the Manchurian military could not inspect or make demands without previous approval of the Japanese military, and in case of dispute between the supervising authorities,^{c.}

(D-78. a. Ex. 230, T. 2,907.
b. Ex. 230, T. 2,908.
c. Ex. 231, T. 2,919.)

the view of the Japanese authorities was to prevail.

In the guiding policy of August 8, 1933, it was provided that Manchuria's economic aim lay in unification of Japanese and Manchurian economies so as to securely establish Japan's expansion of economic powers to the whole world and at the same time to strengthen Manchuria economically. Japan's real aggressive designs cannot be expressed any better than as stated in this instrument. Japan was to come first, then Manchuria, and it is not at all clear that even the economic strengthening of Manchukuo, the secondary consideration, was to be for the benefit of the Manchukuoans. This document also stated that certain industries were restricted by demands of Japan's national defense but others were to be open to all. It will be recalled that in this policy decision all important matters were reserved to the Japanese Cabinet.

D-79. On March 20, 1934, the Cabinet decided on a Japanese-Manchukuo Economic Administration policy. The fundamental concept was the securing of a base for Japan's worldwide economic powers. Basic industries were to be restricted by the demands of Japan's national defense and such enterprises would be operated

(D-78. d. Ex. 231, T. 2,920-4. (D-79. a.Ex.236,T. 2,939
e. Ex. 233, T. 2,930. 2,940.)
f. Ex. 233, T. 2,930.)

1 by special companies, which were to hold the dominant
2 position and were to be directly or indirectly under the
3 protection and supervision of Japan. The industries
4 to be encouraged were, inter alia, light metal, petro-
5 leum, liquid fuel, automobile and mining industries.
6

D-80. On July 17, 1935, Japan and Manchukuo
1 established a Joint Economic Committee which was to
2 advise the two governments on important matters of
3 economics and on the control and inspection of the
4 business of joint companies. The committee was to
5 have eight members, four from each country. The com-
6 mittee was limited in its powers since matters important
7 to the economies of both governments, but within Japan's
8 power, were without the province of the committee, and
9 such matters were to be made into a unilateral contract
10 binding only upon Manchukuo. It was pointed out in
11 the Privy Council, as a secret matter, that the agree-
12 ment in fact only bound Manchukuo. However, even
13 the limited powers reserved to the Committee disturbed
14 one of the councillors because of the equal division of
15 members. His fears were quieted by the accused HIROTA's
16 pointing out that one of the Manchukuoan members, the
17 Chief of the General Affairs Board, was a Japanese whose
18 (D-79. b. Ex.236, T.2,940, (D-80. a. Ex.851, T.8,434-5.
19 c. Ex.236, T.2,941-2.) b. Ex.850, T.8,422.
20 c. Ex.850, T.8,424.
21 d. Ex.850, T.8,425.

primary duty was to see that there would be no conflict,
1 and in case the Manchukuoan members should scheme against
2 Japan, the Chief would take proper measures after con-
3 sidering the interests of both countries. In November
4 1934, the yen bloc was established and Manchukuo's cur-
5 rency was taken off silver and stabilized at par with
6 f.
the Japanese yen.

D-81. The purpose of all this control of Man-
chukuo's economy became clear in 1937 when the plans
disclosed that its economy was being integrated with
that of Japan for war purposes. In the Five Year Plan
of Important War Industries of the War Ministry of May
29, 1937, it was planned that the requisite industries
should be pushed to the continent according to the prin-
ciple of right work in the right place with Japan and
a. Manchuria being treated as a single sphere. In the
Outline of the Five Year Plan for the Production of War
Materials of June 23, 1937, the two primary aims of
which were to perfect war preparations and to realize
b. the Major Industries Plan, it was provided that in the
Five Year Industrial Plan for Manchukuo guidance would
c. be given to the war industries. Efforts were to be
made to overcome the factors impeding the speedy
(D-80. e. Ex. 850, T. 8429-30. (D-81. a. Ex. 842, Pt. 1,
f. T. 8436.) b. Ex. 841, T. 8261
c. Ex. 841, T. 8439-
8440)

construction of war industries in Manchukuo.

1 THE PRESIDENT: We will recess for fifteen
2 minutes.

3 (Whereupon, at 1045, a recess
4 was taken until 1100, after which the pro-
5 ceedings were resumed as follows:)

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MARSHAL OF THE COURT: The International
1 Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Mr. Crowe.

3 MR. CROWE: D-82. In January 1937, Manchukuo
4 promulgated a Five-Year Industrial Plan, a plan
5 in the drafting of which the accused HOSHINO admitted
6 playing a large part. This plan, which provided
7 for the creation and expansion of every type of in-
8 dustry, stated that emphasis was to be placed on
9 opening up Manchukuo's national resources necessary
10 in time of emergency and that it was the desire to
11 develop various types of industry to make Manchukuo
12 self-supporting and to meet Japan's shortages. Under
13 the plan, the production of agricultural products
14 required as military stores was to be increased. In
15 May 1937, Manchukuo enacted a law controlling impor-
16 tant industries in which it required those who desired
17 to engage in any important industry, including all
18 those vital to war, to obtain government consent, and
19 those already in such businesses were required to get
20 government permission before making any change. By
21 May 1937, all important industries were effectively in
22 the hands of Japan or its dominated puppet government
23

D-82. a. Ex. 466, T. 5071. c. Ex. 446, T. 5072.
b. Ex. 453, T. 5126. e. Ex. 444-A, T. 5048-51.
c. "Ex. 446; T. 5071."

under a plan having war as its principal aim.

D-83. However, even the tremendous accumulation of power was not sufficient for Japan, and on October 22, 1937, the first KONOYE Cabinet decided to set up one heavy industry company to establish and develop heavy industry in Manchukuo. One half of the capital was to come from Manchukuo and the other half from Japanese private interests, designated as the Nissan interests in the decision. The decision also provided for Japanese management and designated AIKAWA, Gisuke, as manager. Pursuant to this decision, Japan and Manchukuo entered into an economic agreement for the establishment of the Manchurian Heavy Industry Development Corporation. While ostensibly a Manchukuo Company, in view of the economic agreement with Japan, it was really a "national policy" company of Japan. The company was to be under joint management and its shares could be held only by the two governments or their nationals. The President and Directors were to be appointed by the two governments.

D-84. It must be admitted that Japan's economic domination of Manchuria resulted in making

D-83, a. Ex. 239, T. 2963-6 c. Ex. 840; Tw 8472.
b. Ex. 840, T. 8472. d. Ex. 438, T. 5018-20.

Manchuria's resources available and in building up
1 her industry on a large scale, but, at the same time,
2 it is submitted that every increment of improvement
3 redounded to the benefit of Japan. There was no
4 benefit of any nature to the thirty million people
5 of Manchukuo. Defense witness KATAKURA stated on
6 direct examination that under the five-year industrial
7 plan as expanded the benefits did not accrue to
8 Manchukuo, since the plan was directed toward assist-
9 ing the prosecution of the China Incident rather
10 than for Manchukuo's development.^{a.} NOSHINO ad-
11 mitted that in connection with Japan's wars he was
12 satisfied that Japan had taken everything out of
13 b.
14 Manchuria which could be obtained.

D-85. What Japan's domination of Manchuria's
16 economy and resources really meant to the people of
17 Manchuria was well depicted for this Tribunal by the
18 witness Pu-Yi. All industry-fishery, farming,
19 commerce, electricity -- came into Japanese hands
20 and no Chinese were allowed to enter such industries
21 and were forced into bankruptcy.^{a.} The Japanese
22 established sixty-four special companies with capital
23 b.
24 running into the billions.

D-84. a. T. 19041. b. Ex. 454-A, T. 5178.
D-85. a. T. 4021. b. T. 4022.

D-86. According to exhibit 471, the total
1 of Japanese government investment in Manchurian enter-
2 prise was ¥1,346,000,000, while private Japanese
3 concerns had investments of ¥16,800,000,000. The
4 banks were in the hands of the Japanese and the
5 Chinese were not allowed to borrow. A savings
6 law was passed requiring all people to save money
7 and the required amount of saving was annually in-
8 creased until it reached \$150.00 per person, or a
9 total of some \$6,000,000,000. The Japanese alone
10 could borrow from the banks. To do business, the
11 Chinese had to obtain special permits from Japanese.
12 There were many monopolies including opium, iron,
13 steel, cotton and rice, all under the control of the
14 Board of Monopolies set up by the Commander of the
15 Kwantung Army and the Chief of the General Affairs
16 Bureau, and thus controlled by the Japanese. A
17 cotton control act was passed and, as a result, the
18 Chinese could not get cotton during the winter and
19 many froze to death. The private sale of rice
20 among Chinese was prohibited, and the Chinese were
21 given only the coarsest grades of rice to eat
22 D-86. a. Ex. 471, T. 5347. d. T. 4022.
23 b. T. 4022. e. T. 4023.
c. T. 4032-3. f. T. 4028-31.
g. T. 4028.

and those found with white rice were punished.

1 Six million Japanese immigrants came to Manchuria and
2 land was requisitioned for them at a nominal price,
3 sometimes no price. Chinese farmers were moved to
4 far off undeveloped lands to make room for Japanese
5 immigrants. A labor and civil service law was put
6 into effect when the accused UMEZU commanded the
7 Kwantung Army, which required all persons between
8 18 and 45 to render labor service to the Japanese
9 Army. These same persons were used for opening
10 highways and digging mines under the control of the
11 Japanese. Under this law, the Chinese were treated
12 badly and were given no medicine and poor quarters.
13 Escaped Chinese were punished severely. In all
14 matters, the Japanese came first, Koreans second,
15 and Chinese last. Even the salaries drawn by vice-
16 ministers exceeded those drawn by Chinese ministers.
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3. OPIUM AND NARCOTICS.

19 D-87. In the economic exploitation of
20 Manchuria, the Japanese did not limit their activities
21 solely to the ordinary agricultural, commercial, and
22 industrial enterprises, but extended their activities
23 into fields abhorred by all civilized mankind --

24 D-86. h. T. 4029-30; i. T. 4033; j. T. 4033-5;
25 k. T. 4037-8; l. T. 4039; m. T. 4039;
n. T. 4039; o. T. 4039.

1 enterprises which involved the wholesale debauchery
2 of the people -- the traffic in opium and narcotics.
3 Bound by the International Convention on Opium and
4 Narcotics to take effective measures to suppress the
5 manufacture, internal traffic, and use of opium, to
6 restrain and control opium in the leased territories,
7 and to assist China to suppress the narcotics habit
8 by preventing smuggling, ^{a.} the Japanese erected a
9 fraudulent structure, apparently, in compliance
10 with the treaty but behind and through which they
11 carried out their program. Pursuant to the agreement
12 of 1925 among Britain, France, Japan, The Netherlands,
13 Portugal, and Siam wherein the parties agreed that,
14 except as to retail sales, the importation, sale and
15 distribution of opium should be a government monopoly
16 not to be delegated or leased to any person. ^{b.} Man-
17 chukuo in November 1937, promulgated the Opium Law. ^{c.}
18 The Opium Law followed the principle of gradual
19 suppression by licensing known addicts to smoke in
20 licensed shops, the approved practice. ^{d.} To carry
21 out the program, Manchukuo established the Opium
22 Monopoly Administration under the supervision of the
23 Minister of Finance. ^{e.}

24 D-87. a. Ex. 17, T. 4665-67; T. 20246;
25 b. Ex. 2446, T. 20246; c. Ex. 2450, T. 20269-71;
d. Ex. 2447-A, T. 20252-3; e. Ex. 2462, T. 20309-10.

D-88. From the beginning, it became apparent
1 that the law was being administered for the purpose of
2 increasing the use of opium and narcotics rather than
3 for its suppression. In the period between the Japan-
4 ese invasion and the promulgation of the law, the
5 narcotic situation had become alarmingly worse in
6 Manchuria. Some of this increase might have been
7 expected in the earlier days due to the confusion of
8 the military situation, but at the same time, after
9 the promulgation and enforcement of the law, it might
10 have been expected that the traffic would have de-
11 creased. However, the facts are clear that from the
12 time of the Manchurian Incident onward the use of
13 narcotics in Manchuria increased. In Antung from
14 October 1931 to March 1933, the number of opium shops
15 increased from about 520, of which 500 were Japanese,
16 to 829, of which 684 were Japanese.^{a.} Opium dens were
17 opened on all the leading streets and employed young
18 girls as waitresses.^{b.} 20,000 of the city's population
19 of 130,000 had become addicts.^{c.} In the rural dis-
20 tricts, where Chinese volunteers had kept illicit
21 traffic under control, the volunteers were scattered
22 and public smoking introduced.^{d.} In four districts
23 D-88. a. Ex. 374, T. 4675-6; b. Ex. 374, T. 4675;
24 c. Ex. 374, T. 4676; d. Ex. 374, T. 4676.

around Antung with a population of 900,000, 80,000
1 were addicts and consumed annually \$25,000,000 of
2 opium. Prior to the incident, morphine was used on a
3 small scale, but after the incident Japanese and
4 Korean hoodlums openly imported it into Antung with
5 the result that there were in the spring of 1933
6 f. 15,000 addicts. In the same four districts men-
7 tioned before, there were 60,000 addicts at a cost of
8 g. \$4,300,000. Heroin, which had been practically un-
9 known, began to be increasingly handled by opium dens,
10 h. morphine joints and opium retail shops. 130,000
11 i. people in the four districts were found to have
12 become narcotic addicts. By December 1934, the
13 j. number of opium dens in Antung had further increased
14 to 1206, of which 860 were Japanese. In the same
15 four districts, while the population had increased
16 to 1,000,000 from 900,000, the number of narcotic
17 h. addicts had increased from 130,000 to 340,000.
18

D-89. In other districts the same tremen-
20 dous increase was apparent. The opening of opium
21 a. retail shops was advertised daily in the papers.
22 These new retailers were all appointed by governmental
23 D-88. e. Ex. 374, T. 4675-7; f. Ex. 374, T. 4677-8;
24 g. Ex. 374, T. 4680; h. Ex. 374, T. 4680;
25 i. Ex. 374, T. 4681; j. Ex. 374, T. 4695;
k. Ex. 374, T. 4697.
D-89. a. Ex. 377, T. 4688.

b. authority. From September 18, 1931, many opium
1 shops were opened in Mukden, and from March 1932, most
2 of the Japanese commercial shops were converted into
3 opium shops with the result that there were 600 shops
4 c. in Mukden selling opium and narcotics. Outside
5 Mukden, there were 150 shops of which 90% were run by
6 d. Japanese and Koreans. Each shop had to employ
7 Japanese or Korean guards and could hoist the
8 e. Japanese flag. Most of the dens engaged girl
9 f. waitresses and tripled their business. There were
10 1000 dens in Harbin, each employing girls, 900 in
11 g. Kirin and 500 in Heilunkiang. All shops were
12 registered with the monopoly at a fee of ¥500 per h.
13 shop, and all opium was purchased from the monopoly.
14 In 1934, the Manchukuo Ministry of Interior officially
15 reported that 9,000,000 of the 30,000,000 Manchurians
16 were habitual opium smokers, and of these 13% were
17 below 15 years, 23% below 25 and 33% below 30 years of
18 i.
19 age.

D-90. The figures with respect to the number
21 of shops and addicts, coupled with the fact that both
22 opium smoking and narcotic taking was made enticing

D-89. b. Ex. 377, T. 4688. f. Ex. 377; T. 4691-2.
c. Ex. 377, T. 4691. g. Ex. 377, T. 4692.
d. Ex. 377; T. 4691. h. Ex. 377; T. 4693.
e. Ex. 377, T. 4691. i. Ex. 377, T. 4690.

1 and alluring by using girl waitresses in opium
2 shops and by selling narcotics in houses of prosti-
3 tution, and the fact that such a large proportion of
4 the addicts were children and youths, make it
5 reasonably evident that the program followed was not
6 one of gradual suppression but one deliberately
7 designed to foster the traffic. That this was the
8 real situation is further borne out by the fact that
9 in January 1937, at a Manchukuo provincial governors
10 conference, it was pointed out that after several years
11 of the system none of the addicts had stopped, a
12 large number of the young people had become smokers
13 and the opium system caused more deaths than unsani-
14 a.
15 tary conditions.

D-90. a. Ex. 383, T. 4715-6.

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D-91. The same critic also indicated the
1 key to the problem of the spread of this vice when he
2 stressed that some considered opium as a rich source
3 of government revenue, and if it were cut off the loss
4 could not be made up. Opium and narcotics were in
5 fact one of the principal sources of revenue for Man-
6 chukuo, a nation which Japan had created and whose
7 every action Japan dictated. As early as June 1932,
8 the Chief of Staff of the Kwantung Army had pointed
9 out to the Vice-Minister of War that 10,000,000 yuan
10 out of Manchukuo's total revenues of 64,000,000 yuan
11 were opium monopoly revenues. These revenues were
12 pledged as security for the payment of ¥30,000,000 of
13 Japanese currency national founding bonds issued by
14 Manchukuo, and underwritten by the Bank of Japan. The
15 accused MINAMI admitted that he believed that the opiu-
16 traffic was one of Manchukuo's principal sources of
17 revenue. Defense witness NAMBA admitted that he had
18 said the profits had risen from ¥300,000 in the first
19 year to ¥10,000,000 in 1935, to ¥20,000,000 in 1936
20 and ¥30,000,000 in 1937. Even after he reduced the
21 figures after an alleged investigation, he admitted that
22 the profits in 1937 amounted to ¥20,000,000. The
23 (D-91. a. Ex.383, T. 4717-8. d. T. 19976.
24 b. Ex.227, T. 2838. e. T. 20348-9.
25 c. Ex.375, T. 4684-5. f. T. 20349-50.)

1 Manchukuo Budget for 1943 showed on its face that
2 opium revenue was ¥110,000,000.^{e.} It was not only the
3 government that shared in this illicit wealth. The
4 accused MINAMI admitted that one of his reasons for
5 abolishing the Special Service Department during his
6 tenure as Commander of the Kwantung Army might have
7 been that he had found that its members were running
h. the opium traffic for their own benefit.

8 D-92. Rather than taking every action to dis-
9 courage the traffic, the Japanese, who in addition to
10 their responsibility as the real power in Manchuria had
11 a recognized responsibility of their own growing out
12 a.^{a.} of Japan's holding the leased territory,^{b.} did everything
13 to encourage growth and spread of the traffic. Loans
14 were made to farmers who cultivated poppies in amounts
15 seven times that given to other farmers and at one-third
16 b.^{b.} the interest rate. Having been enticed to grow more
17 poppies by favorable loans, the farmers, when forced
18 to sell their product exclusively to a Japanese company,
19 could not repay the loans and lost their lands to the
20 c.^{c.} Japanese. The area of authorized poppy cultivation
21 d.^{d.} was increased. In 1937, the authorized area was
22 e.^{e.} increased from 133,000 to 150,000 acres. Defense

23 (D-91. g. Ex.2461-A, T.20306-7,
24 h. T. 19976. L-92. c. Ex.378, T. 4700.
25 D-92. a. T. 20335. c. Ex.379, T. 4701-2.
h. Ex.378, T. 4699. e. Ex.383, T. 4713.)

witness NAMBA admitted that opium poppy seeds were
1 distributed freely to cultivators. While there were
2 efforts made to cut out unauthorized growing, it was
3 pointed out in the League of Nations Advisory Com-
4 mittee that in view of the increased acreage and
5 increased sales, this drive was nothing more than an
6 effort to destroy competition.

D-93. By 1937, in view of the open criticism
in Manchukuo and in view of the fact that the League
of Nations had placed responsibility for illegal nar-
cotics in the Far East on Japan and Manchukuo,
the authorities were compelled, at least ostensibly, to
take some corrective measures. They professed to carry
out an anti-opium purge and enacted the Narcotic Law
of 1937. An investigator, charged with the duty of
examining the effects of this purge, found that there
was not much change in the organization and activities
of the monopoly except for the enlargement of its
activities and the increase of its income and concluded
that the new laws and purge were merely a blind dictated
by the criticism against the traffic. While the few
private Japanese factories which had operated were
closed in face of the league finding, he pointed out
(D-92. f. Ex.2462, T. 20323. D-93.b, Ex.2459, T.20301-3.
g. Ex.383, T. 4713. c.Ex.384, T. 4732-3.)
D-93..a. Ex.384, T. 4734-5.

that the monopoly had always taken care that there
1 should be no private factories, since it would result
2 in a loss of revenue to the government and licensees.
3 Furthermore, to those whose factories were closed it
4 was semi-officially hinted that they could start again
5 in North China. There were no restrictions on culti-
6 vation and use, and both increased in 1937. In fact,
7 in 1937 the poppy crop was 1,800,000 pounds, cultivation
8 had increased by 30 to 35% and the cost had increased
9 50%.
10

D-94. The increase in the traffic continued
11 despite the purge. In 1939, the United States consul-
12 general at Mukden reported that raw opium purchases had
13 increased from ¥29,000,000 in 1937 to ¥32,000,000 in
14 1938, and sales had increased from ¥47,850,000 to
15 ¥71,500,000, and he pointed out that this was incon-
16 sistent with any intention to curb the use of narcotics.
17 In 1939, the consul at Mukden reported further increases
18 in 1939 of sales to ¥90,908,000 and pointed out that
19 opium was Manchukuo's "money-getter," next to customs.
20 He stated that purchases of raw opium in 1940 would be
21 ¥43,470,000 and that the net profit was estimated at
22

23 (D-93. c. Ex. 384, T. 4733-4.

24 e. Ex. 384, T. 4737.

25 f. Ex. 384, T. 4738.

g. Ex. 384, T. 4739-40.

D-94. a. Ex. 384, T. 4746.

b. Ex. 387, T. 4750.)

¥56,000,000.

D-95. Not all the opium manufactured in Manchukuo was used there. Behind the whole picture there was something much more sinister even than the debauchery of the Manchurian people. Japan, bound by treaty not to engage in the narcotic traffic, found in the alleged independence of Manchukuo a convenient method of carrying on a world-wide drug traffic, and made Manchukuo the center of that traffic. In February 1937, the official government paper in Seoul, Korea, printed that Korea had shipped 41,355 pounds of opium to Manchuria and increased shipments would be made annually. More than 71% of Korea's opium was being sent to Manchuria. The increase had been decided by the conference of departmental secretaries in Tokyo, and as a result Korean production was to be increased. In 1938, the Treaty Bureau of the Foreign Office reported a cabinet decision authorizing the transfer of raw opium to Manchukuo and an increased poppy production acreage for Korea. In 1939, the Treaty Bureau reported that Korea had sent to Manchukuo 75,000 kilograms of the 80,000 kilograms of opium produced, and pursuant to a cabinet decision of (D-94, c. Ex. 387, T. 4750-1.
D-95. a. Ex. 380, T. 4706-8.
b. Ex. 381, T. 4708-10.)

December 12, 1938, the authorized poppy acreage for
1 Korea had been increased from 17,297 to 29,547 acres.
2 These transfers from an integral part of the Japanese
3 Empire, admitted in the reports of official government
4 bodies, completely vitiate any defense which the accused
5 may have offered on this issue. If they maintain that
6 Korean opium was needed for use in Manchuria, they
7 must concede, particularly in view of increased
8 production in Manchuria, that the use of opium in Man-
9 churia was increasing and not decreasing in the years
10 when they claim particularly strenuous efforts were
11 being made to wipe out the habit. On the other hand,
12 if they stick to their contention that the use was
13 decreasing in Manchuria, they must concede that the
14 transfers from Korea could have had only the one purpose
15 of being sent to Manchuria for preparation for distri-
16 bution elsewhere. Furthermore, in addition to Korean
17 transfers, the Mitsubishi Trading Company imported
18 into Manchuria in 1939, 3000 cases of opium. In
19 March 1938, this trading company and Mitsui Bussan
20 through the Foreign Ministry concluded an agreement
21 to purchase Iranian Opium for Japan, Manchukuo and
22 China with delivery to be made in 1940 and 1941.
23 (D-95. c. Ex. 382, T. 4711.
24 c. Ex. 382, T. 4861-3.
25 e. Ex. 382, T. 4861-3.)

D-96. The opium grown in Manchuria and im-
1 ported there from Korea and elsewhere was manufactured
2 and distributed throughout the world. In 1937, it was
3 pointed out in the League of Nations that 90 per cent of
4 all illicit drugs in the world were of Japanese origin
5 manufactured in the Japanese concessions in Tientsin,
6 Dairen and other cities of Manchuria, Jehol and other
7 parts of China, always by Japanese or under Japanese
8 supervision. In 1936, the American Treasury attache
9 reported that drugs sold in North China had formerly
10 come from Suiyuan and Chahar but had not been replaced
11 by drugs imported from Dairen. In 1939, the attache
12 at Shanghai reported that the only opium to be allowed
13 in Japanese-occupied China would be that from Jehol,
14 Persia, Suiyuan and Manchuria. The witness SATOMI,
15 who carried out opium operations in China under the
16 Special Service Department of the China Expeditionary
17 Army from 1938 to 1945, testified that until 1940 the
18 opium sold by him was of Persian origin, but after that
19 d. he sold Manchurian opium. It is thus evident that
20 all of the opium manufactured in Manchuria was not for
21 use there but was distributed for use in other
22 countries.

24 (D-96. a. Ex. 383, T. 4729.
25 b. Ex. 395, T. 4792.
c. Ex. 421, T. 4872.)

d. T. 4884.)

D-97. The complete domination of Manchuria --
1 militarily, politically, economically and socially by
2 Japan -- continued until the Japanese surrender on
3 September 2, 1945. However, long before, as soon as
4 Japanese control was firmly established, the conspira-
5 tors were ready to move forward with the next step in
6 furtherance of the conspiracy.

7 My friend, Judge Hsiang, will continue, if
8 your Honors please.
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THE PRESIDENT: Judge Hsiang.

JUDGE HSIANG: PART II OF THE CONSPIRACY

THE EXPANSION OF CONTROL AND DOMINATION FROM
MANCHURIA TO THE REST OF CHINA

A. OBTAINING CONTROL OF NORTH CHINA PRIOR TO

7 JULY 1937

E-1. With the signing of the Tangku Truce, the conspirators had completed the first step in their conspiracy and had secured complete military domination of Manchuria. By that Truce, a demilitarized area was set up in Northeastern Hopei Province, north and east of the important cities of Peiping and Tientsin, and the Chinese Army was withdrawn to the west and south of the demilitarized area. It was to this demilitarized zone and its adjacent areas that the conspirators next turned their attention in furtherance of their plans for the further disintegration of China and the destruction of the Chinese Nationalist Government, an essential prerequisite for the successful achievement of the aims of the conspiracy. The old policy of "divide and conquer" was adopted as the initial strategy with the purpose and intent of creating autonomous areas in North China, which would claim independence from China and would be pro-Japanese, and which later could be consolidated into one body.

30, 192

1 1. THE ESTABLISHMENT OF THE AUTONOMOUS GOVERN-
2 MENTS IN NORTH CHINA

3 E-2. The demilitarized area and adjacent terri-
4 tory, which together constituted the five northern
5 provinces of China proper, were of the utmost importance
6 strategically, politically and economically. The
7 province of Chahar completely bordered Jehol which had
8 been incorporated into Manchukuo, on the west, while
9 a. Hopei bordered it on the south. The five provinces
10 extended over some 600,000 square miles of territory and
11 b. had a population of 170,000,000 Chinese. During the
12 c. year following the Tangku Truce, this area, according to
13 Goette, was quiet militarily, but not politically. By
14 d. April of 1935, it had been decided to set up this import-
15 ant region as an autonomous area. According to TANAKA,
16 Ryukichi, who was on the staff of the Kwantung Army at
17 e. the time and handled all telegraphic messages and official
18 f. papers relative to the autonomous movement, the authors
19 of the movement were the accused MINAMI, Commander of the
20 Kwantung Army, and the accused UMEZU, Commander of the
21 f. North China Army. The purpose was two-fold: to create

22 (E-2. a. Fv. 220, T. 2751.
23 b. T. 3751.
24 c. T. 3746.
25 d. T. 2026.
25 e. T. 2024.
25 f. T. 2033-4.)

an autonomous regime in Mongolia and to create a regime
1 in North China outside the Mongolia area. The reason
2 for establishing a Mongolian regime was to set up an
3 "independent" state; while the reasons for establishing
4 the North China regime were to separate the five
5 provinces from Nanking, to set them up as an autonomous
6 area in close relationship with Manchukuo under Japan's
7 leadership and to reduce the power and influence of the
8 Nanking Government. The work was divided between the
9 two armies, the Army in North China taking the five
10 provinces and the Kwantung Army taking Inner Mongolia.
11 To accomplish this mission the conspirators resorted to
12 their usual tactics of creating incidents as a pretext
13 for making demands, which, if not complied with, were
14 used as a further pretext for taking punitive action. At
15 this particular point, the conspirators found it ex-
16 tremely difficult to find incidents which they might use
17 as a peg for making demands. At the time relations be-
18 tween China and Japan were rather good. According to
19 defense witness KUWASHIMA, the North China situation had
20 been generally calm, and on May 17, 1935, it had been
21 decided to raise the Japanese Legation in China to an
22 1. embassy. The only instances of any trouble between the
23 24
(E-2. g. T.2026-7
h. T.2028.
i. Ex. 3241, T. 2948.)

Chinese and the Japanese prior to the UMEZU demands in
1 May, 1935, asserted by the defense, were two: an alleged
2 insult to Japanese military and Foreign Office clerks at
3 Changpei in October, 1934, and an alleged intrusion by
4 one unit of the troops of Sung Che-yuan into Manchukuo
5 on January 24, 1935. It should be noted that both of
6 these incidents, if they did take place, occurred months
7 before the UMEZU demands. In fact, defense witness
8 KUWASHIMA admitted that both before and after the UMEZU
9 demands there were only four incidents and that all of
10 them were small. The Foreign Office at the time
11 recognized that the military in China were prone to
12 raise a storm in a teacup. Moreover, the only instance
13 related in the entire record of any Chinese troops having
14 gone into the demilitarized area was in the testimony of
15 Goette that on two occasions he saw Chinese renegade
16 troops, hostile to Chiang Kai-shek, enter the zone from
17 Japanese-controlled areas and then disappear again into
18 Japanese-controlled areas on the other side.
19

E-3. Having no pretext to make demands on China,
20 the conspirators created one out of whole cloth. In the
21 middle of May, 1935, two Chinese -- not Japanese, but
22 Chinese -- were killed in the Japanese concession at
23 (E-2. J. Ex. 2489, T. 20754-5.
24 K. 2. 29501-2.
25 L. T. 3241, T. 29489.
M. B. 3745-6.

Tientsin. General SAKAI, Chief of Staff to General UMEZU,
1 Commander of the China Expeditionary Army, stated to
2 General Ho that the Japanese Army regarded the assassi-
3 nations as acts of provocation, warned that if such acts
4 continued, drastic action would be taken, and demanded
5 the transfer of General Yu, the withdrawal of the Chinese
6 military police and the withdrawal of the Kuomintang
7 party offices in Hopei and of other organizations. In
8 compliance with this request, the Chinese dismissed
9 certain officials and decided to suspend the work of the
10 party office and to transfer the Governor of Hopei.
11 Not satisfied with these concessions, on May 29, UMEZU
12 again sent SAKAI to Ho to demand that all party offices
13 be abolished, certain armed forces withdrawn, and all
14 anti-Japanese activities banned immediately under penalty
15 c. of the Japanese Army taking unrestricted action. While
16 UMEZU, through the witness ISHIKAWA, would have us believe
17 that these demands were only suggestions or represen-
18 tations for improving relations, defense witness
19 KUWASHIMA testified that, as he learned them from the
20 Peking Legation, these were strong demands, in substance
21 e. an ultimatum. The demands were known to the newspapers
22 (E-3. a. Ex. 194, T. 2275-6.
23 b. Fx. 2491, T. 20786.
24 c. Fx. 194, T. 2276.
25 d. Ex. 2491, T. 20787.
e. Ex. 3241, T. 29489, 29496, 29504-5, 29531.)

which characterized them as containing all the features
1 f.
of an ultimatum. The accused KIDO, in his diary for
2 May 30, noted that China had been presented with a large
3 claim and that SHIGEMITSU had observed that China was
4 powerless in opposing Japan's military objectives. He
5 further noted that the step was based on the idea of
6 ITAGAKI and others that the military should take the
7 lead in negotiations with China, for which purpose they
8 intended to utilize the Manchurian Railway and the garri-
9 g.
son in Tientsen.

E-4. For the sake of peace, China agreed to
11 compromise, and on June 10, 1935, General Ho accepted the
12 demands, thus bringing about what has come to be known as
13 a.
the Ho-UMEZU agreement. All party offices were volun-
14 tarily closed, the army forces transferred to other areas,
15 the ban on anti-Japanese acts reinstated and the capital
16 b.
17 of Hopei moved. The agreement entered into was the
18 result of compulsion. According to Goette, the Chinese
19 officials drew his attention to Japanese dispatches
20 stating that a large number of Japanese troops were leav-
21 ing for North China, and told him that they were under
22 threat of full military occupation unless they agreed and
23 (E-3. f. Ex. 2206-A, T. 15771.
24 g. Ex. 2192, T. 15733-4.
25 (E-4. a. Ex. 2491, T. 20787-8.
b. Ex. 194, T. 2276, 3748.

39,197

had been warned not to appeal to Britain or the United
c.
1 States.

2 E-5. While UMEZU was taking his action in
3 Hopei, similar events were taking place in Chahar. In
4 June, 1935, four Japanese Army officers were motoring
5 through the Chang-Pei district and were required to sub-
6 mit to inspection, whereupon it was discovered that they
7 did not have the required entry permits. After being
8 detained for a short while, they were allowed on orders
9 of General Sung to proceed. The Japanese claimed this
10 innocuous incident was an insult to the Japanese Army,
11 and through the consul demanded the punishment of the
12 responsible officers; an apology and assurance against
13 future occurrence. The witness General Ching was desig-
14 nated as the Chinese negotiator.^a The Japanese consul,
15 however, announced that the situation was beyond his
16 power to settle, and the matter was referred to the Japa-
17 nese garrison in Tientsin. MINAMI, according to
18 defense witness KAWABE, in order to enlarge the scope of
19 the Tangku Truce, under instructions from Tokyo sent the
20 accused DOHIHARA of his staff in the Kwantung Army to
21 Tientsin to negotiate on the matter which had arisen in
22 which DOHIHARA was in charge of information.^b On June
23 c.
24 (E-4. c. T. 3747.
25 (E-5. a. Ex. 199, T. 2311-2.
b. Ex. 199, T. 2312.
c. Ex. 2489, T. 20755

27, 1935, an agreement was reached by DOHIHARA and Ching
1 settling the matter. As a result of the negotiations,
2 certain officers in the Chinese garrison were punished,
3 units of the 29th Army were withdrawn, peace and order
4 were entrusted to the Peace Preservation Corps, further
5 Chinese settlement in northern Chahar was stopped, the
6 Kuomintang was withdrawn from Chahar, and anti-Japanism
7 e.
8 was barred.

E-6. About May 29, according to MINAMI, UMEZU
9 came to Hsinking to meet with War Minister HAYASHI and
10 a. According to the New York Herald Tribune, the
11 MINAMI. According to the New York Herald Tribune, the
12 meeting was held on June 1. While MINAMI denied that
13 they spoke about the North China demands and claimed their
14 talk was limited to routine business, his denial is
15 hardly credible in light of the fact that the meeting
16 took place just about the time UMEZU's demands were under
17 consideration and immediately prior to the time that
18 MINAMI sent DOHIHARA, one of his key men, to UMEZU's area
19 to force from the Chinese extravagant concessions based
20 on a wholly innocuous incident. In view of these facts,
21 the only inference that can be drawn from the meeting of
22 these three ranking military officials is that they met
23 (F-5. d. Ex. 2489, T. 20755.
24 e. Ex. 199, T. 2313.)
(F-6. a. T. 19986.
25 b. Ex. 2206-A, T. 15778.
c. T. 19986-7.)

1 to perfect the strategy for carrying out this and the
2 next steps of the conspiracy.

3 E-7. Following the two agreements which had
4 eliminated from the spot important elements of Chinese
5 resistance to Japanese aggressive demands, Japanese
6 activities in the area and the autonomous movement in-
7 creased in vigor. In the summer of 1935, Japanese air-
8 plane traffic around Peiping and Tientsin increased and
9 was extended to interior areas. China protested and
10 asked Japan to take steps to stop this violation of
11 China's sovereignty. The Japanese replied that the
12 flights were being undertaken under the provisions of
13 the Tangku Truce, but when it was pointed out that this
14 was a false application of the Truce, the Japanese tried
15 to tie up the matter with the aviation problem between
16 China and Japan. When the matter was reported to HIROTA,
17 he also tried to justify the flights on the basis of the
18 Truce. After November, 1935, no answers were made to the
19 Chinese protests.
20

21 E-8. In September, 1935, DOHIHARA was sent
22 from the Kwantung Army by MINAMI to Peiping to foment
23 the autonomy movement. The witness TANAKA, Ryukichi,
24 who assisted in drafting DOHIHARA's orders, testified
25 (E-7. a. Ex. 213, T. 2708-12.
(E-8. a. T. 2124.)

that DOHIHARA was ordered to set up an autonomous regime
1 which would maintain close relations with Japan and
2 Manchukuo, serve as a buffer state and have anti-
3 communism as the motto for the movement. There had
4 been some difficulty about the contents of the order
5 because there was no fixed motive for starting the move-
6 ment; and since it was necessary to have one, after
7 study by ITAGAKI, DOHIHARA and SASAKI, anti-communism was
8 chosen as a slogan. Pursuant to these orders, which
9 were approved in Tokyo, DOHIHARA went to Peiping,
10 where he came under the command of General TADA who had
11 succeeded UMEZU.
12

E-9. DOHIHARA's first plan was one of inducement. According to TANAKA, DOHIHARA hoped to prevail upon Wu Pei-fu to become the central figure in the North China autonomous movement but failed because certain Chinese generals refused to join. According to General Ching, DOHIHARA attempted repeatedly to induce General Sung, Commander of the Peiping-Tientsin area, to become the leader of the North China autonomous government upon the promise that Japan would extend every possible military and economic aid, but this inducement was repeatedly

- 24 (E-8. b. T. 2034, 2124.
c. T. 2131-2.
d. T. 2125, 2132-3.
e. T. 2028.
25 (E-9. a. T. 2029.)

refused.

E-10. Having failed with his policy of inducement, DOHIHARA now resorted to other tactics. On October 20, 1935, a Chinese named Wu bribed local elements to start a riot on the pretext of demanding autonomy, but this failed. The Japanese then induced by threat and bribery Yin Ju-keng, administrative commissioner, to cable Nanking on November 15, 1935, asking for autonomy. On November 24, a preparatory committee for autonomy was set up, and on the 25th, the East Hopei Anti-Comintern Autonomous Council, which proclaimed itself independent of the national government was created. This organization, all military and political affairs and resources and revenues all came under Japanese domination. In bringing this movement about, DOHIHARA used the same tactics as had been employed in arousing enthusiasm for independence in Manchukuo. Goette testified that during November motor cars sped through the streets of Peiping from which hand-bills of an alleged appeal for autonomy were thrown out, and Japanese planes flew overhead and dropped leaflets.

(E-9. b. Ex. 199, T. 2314.
E-10. a. Ex. 210, T. 2702.
b. Ex. 210, T. 2702-3; Ex. 211, T. 2704.
c. Ex. 210, T. 2703.
d. T. 3750.)

E-11. As a counter measure, the Chinese set up under General Sung the Hopei-Chahar Political Council to take charge of all political and military affairs in Hopei, Chahar, Peiping and Tientsin, and Sung took charge on December 18, 1935. The inducements having failed and the autonomous puppet government having been countered with the Chinese political council, according to the testimony of General Ching, DOHIHARA now demanded of Sung that the political council be changed to the North China Autonomous Government, that the publicity personnel of the Nanking government be withdrawn, that public opinion be controlled and opposition to autonomy not permitted, that a railway be constructed and that the maritime customs be revised to increase the tariff on European and American goods and to decrease those on Japanese.

E-12. At the same time as DOHIHARA was applying pressure on Sung, other pressure was being applied. This was shown by exhibit 196, which was received in evidence but not read. In Chahar, the Japanese, acting for themselves and the Manchurians, demanded that the six districts around Kalgan be guarded.

E-11. a. Ex. 199, T. 2315; Ex. 211, T. 2704
E-11. b. Ex. 199, T. 2315-6

by the Mongolian Pacification Corps, and when this
1 was refused, an incident was created at Chang-Pei,
2 giving the Japanese, on a claim that Jehol was in
3 danger, a pretext to lead three armies into Chahar
4 and to overrun it in a few days. While General
5 Sung did not yield directly to the pressure, due to
6 the fact that the Japanese were in control of the
7 East Hopei Anti-Communist Autonomous Government and
8 in military control of Chahar, he had to accept the
9 puppet regime. There is little doubt that the regime
10 was a puppet government. Goette testified that he
11 saw Japanese military in the area recruiting and
12 training Chinese gendarmerie, and that it was common
13 knowledge that the new regime was the center of dope
14 and commodity smuggling. According to the report of
15 Japanese War Crimes in China, twenty-two districts
16 in the area were taken over by the Autonomous government,
17 and all military and political affairs as well as
18 resources, industries, customs revenues and salt
19 revenues came under Japanese domination. While China
20 and the local authorities negotiated with the Japanese
21 for abolition of this regime, the regime continued
22
23 E-12. a. Ex. 196, T. 2279
24 " b. T. 3750-1, 3753-4
25 " c. Ex. 210, T. 2703
" d. Ex. 210, T. 2703

until Japan formally took over Peiping in August
1937. Temporarily, the Japanese were satisfied.
In addition to the puppet regime, they had, as the
Japan Year Book points out, in the Hopei-Chahar
Political Council, an organ which, while under the
supervision of the Chinese National Government, had
power to negotiate with Japan and Manchukuo.

E-13. While the North China Army with the help of DOHIHARA of the Kwantung Army was carrying out its part of the dual task of establishing autonomous governments in North China and Mongolia, the Kwantung Army proceeded with the execution of its part of the task. The problem of the Kwantung Army was somewhat simpler than that of the North China Army. In March 1933, the Inner Mongolian Autonomous Council had been set up under Prince Teh. Since Nanking had failed to support the council economically and the Governor of Suiyuan was opposed to the Council because of Teh's desire to establish a unified Mongolian state comprising both Inner and Outer Mongolia, ^{a.} the situation was therefore ripe for the Japanese to make overtures to Teh. Accordingly, in April or May 1935, according to the testimony

24 E-12. e. T. 3756
25 " f. L. 211, T. 2704
E-12 a. T. 2039-40

of TANAKA, Ryukichi, and MINAMI, MINAMI sent Colonel
1 ISHIKAWA and TANAKA on a mission to Teh. While
2 MINAMI stated he sent these emissaries for liaison
3 purposes to observe conditions and admitted only that
4 he had told them it would be a good thing to establish
5 a liaison agency, TANAKA testified that they were
6 sent for the purpose of having the Inner Mongolian
7 Autonomous Council form a close relation with Japan
8 to establish an autonomous government under Teh, which
9 would become an independent government in line with
10 the Kwantung Army anti-Soviet policy. While Teh
11 at first did not agree, in August 1935, he promised
12 close cooperation with MINAMI, and the Kwantung Army
13 gave him financial aid. In November 1935, DOHIHARA
14 and the Hopei-Chahar regime agreed that Teh should be
15 in control of that regime, and on February 11, 1936,
16 the Inner Mongolian Autonomous Council was transferred
17 to West Sunito, where it was joined by Japanese civilians
18 who served as advisors.
19

20 E-14. TANAKA further testified that in the
21 spring of 1936 the Council was transferred to Teh-Hua,
22 where secretly an independent Mongolian government was
23

24 E-13. b. T. 2040; 19,993-4
25 " c. T. 19,993-4
" d. T. 2040-1
" e. T. 2041-2

established, and that an agreement for mutual political
1 and economic aid was signed between this government
2 and Manchukuo. His testimony was confirmed in a
3 report of May 7, 1936, from Ambassador UEDA (concurrently
4 commander of the Kwantung Army) to Foreign Minister
5 ARITA which also disclosed the role played by the
6 Japanese in this project. UEDA reported that from
7 April 21 to 26th, Teh, the Japanese Special Service
8 Chief and others met with representatives of Outer
9 Mongolia in a so-called state-founding conference,
10 where they adopted plans to amalgamate Mongolia and
11 Inner and Outer Tsinghai, to set up a monarchy, to
12 found a Mongolian Congress, to organize a military
13 government and to conclude a mutual assistance agreement
14 with Manchukuo. He reported the removal of the govern-
15 ment to Teh-Hua, where it began business under the
16 direction of a Japanese advisor. UEDA also reported
17 that the treaty with Manchukuo would be signed at the
18 end of May and relayed a request from TANAKA that members
19 of the Embassy and Foreign Ministry attend the signing.
20 ARITA was also notified by UEDA that the matter had
21 been kept very secret and that the army intended to go
22 as far as to recognize the independence of Inner Mongolia.
23
24 E-14. a. T. 2042
25 " b. Ex. 212, T. 2705-7

b.

E-15. Whatever secrecy the North China and
1 Kwantung armies may have tried to maintain about these
2 events, their activities were not unknown to the
3 authorities in Tokyo. On October 2, 1935, WAKASUGI,
4 Secretary of the Embassy in Peiping, notified Foreign
5 Minister HIROTA that he believed the army intended for
6 purposes of self-defense to organize out of North
7 China a self-governing state, practically independent
8 and free of Nanking domination, and of having it form
9 ultimately an economic bloc with Japan and Manchukuo
10 for the sake of politics, finance and economy. On
11 the same day, he reported that the army's far-sighted
12 scheme and Mongolian policy were making steady progress
13 and that DOHIHARA had met with Teh to promote Inner
14 Mongolian self-government. On November 16 and 22nd,
15 a.
16 HIROTA received further notices of the progress of
17 b.
18 the movement. Defense witness KUWASHIMA admitted
19 that the Foreign Office received information in
20 November that the Kwantung Army had concentrated
21 mechanized troops at Shan-Haikwan on the Great Wall
22 to intimidate North China, and that his office suspected
23 that the military authorities had a hand in organizing
24 the Chicha (Hopei-Chahar) Administrative Committee
25 E-15. a. Ex. 197, T. 2282-4
" b. Ex. 3242, T. 29,539-40; Ex. 3242-A, T. 29542

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in the middle of December. Notwithstanding these
1 clear and unequivocal notices and the fact that as
2 early as May 1935 the Foreign Office recognized, as
3 recorded by KIDO, that the army was invading its own
4 province of diplomacy, ^{d.} the Foreign Office under
5 HIROTA did nothing except possibly to warn the army.

6 THE PRESIDENT: We will adjourn until half-past
7 one.
8 (Whereupon, at 1200, a recess was taken.)
9 - - -
10
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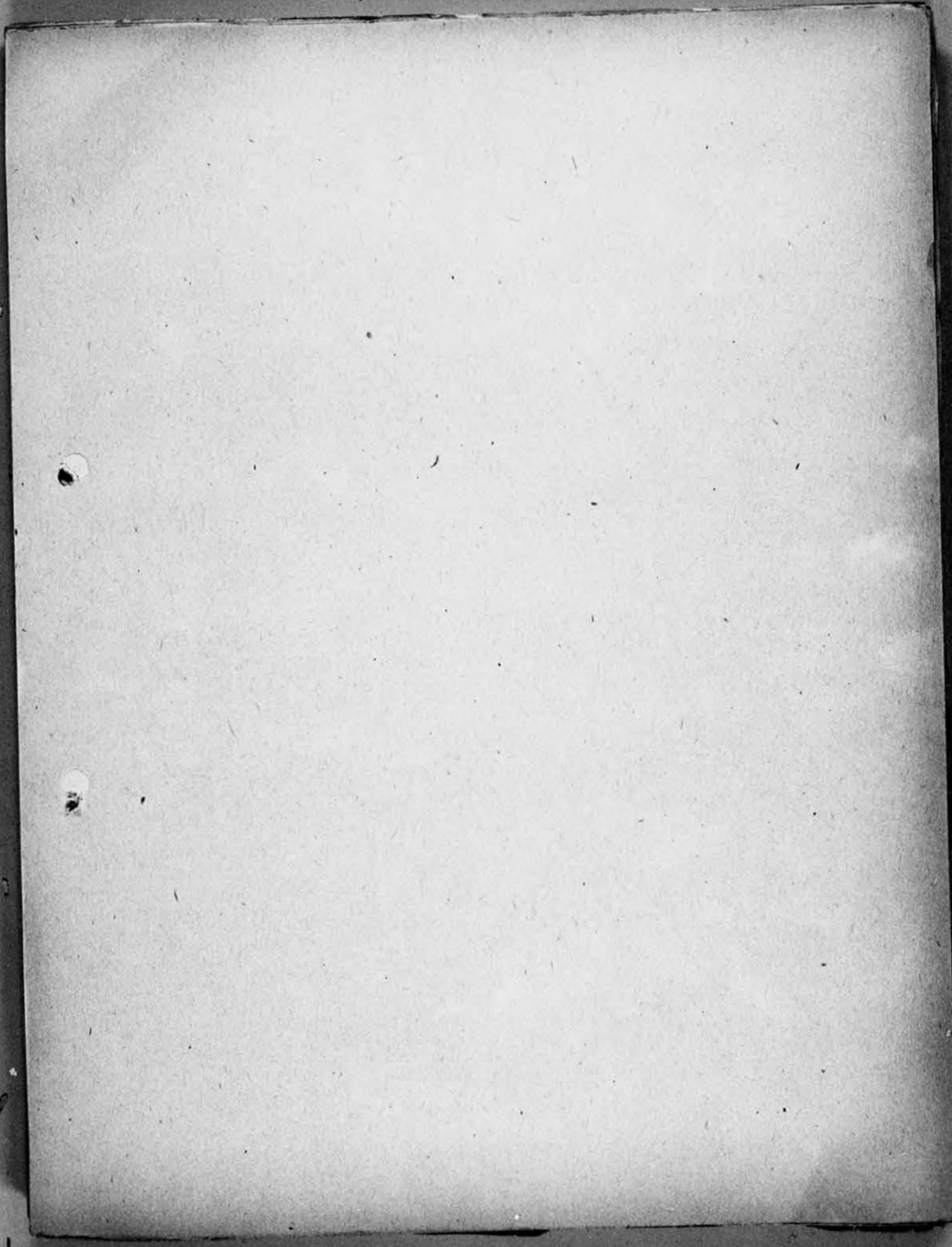
E-15. c. Ex. 3241, T. 29,490
25 " d. Ex. 2192, T. 15,733-4

39,208

in the middle of December. Notwithstanding these
1 clear and unequivocal notices and the fact that as
2 early as May 1935 the Foreign Office recognized, as
3 recorded by KIDO, that the army was invading its own
4 province of diplomacy, the Foreign Office under
5 HIROTA did nothing except possibly to warn the army.

6 THE PRESIDENT: We will adjourn until half-past
7 one.
8 (Whereupon, at 1200, a recess was taken.)
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E-15. c. Ex. 3241, T. 29,490
25 " d. Ex. 2192, T. 15,733-4



AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at
1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Judge Hsiang.

JUDGE HSIANG: If it please the Tribunal, I
will continue the reading of page E-14, the middle
of the page:

E-16. The instigation of the autonomous
movements was not an isolated phenomenon to meet a
problem of keeping peace and order in a border area.
It was a deliberate step in furtherance of the con-
spiracy to obtain the control and domination of China.
This is abundantly clear from the detailed plans of
the conspirators, made just at the time the movement
for autonomy was reaching fruition. At the end of
November 1935, the Japanese Garrison Forces in North
China distributed to the Kwantung Army and other
military and railway groups a plan for the military
disposal of the railways in North China. The plan
stated that the Army expected to dispose of the railways
so as to place them under control and achieve the army's
military objective through direct use. Recognizing

that the railways might have to be seized from the
1 beginning, the plan provided for operation by Chinese
2 who were to be made to understand the spirit of the
3 autonomous movement and the attitude of the Japanese
4 forces, and to be made to feel at ease so that they
5 would assist even in military operations. Indirect-
6 ly, they were to prevent removal of rolling stock,
7 but, if necessary, force would be used under the pre-
8 text that it was for the protection and defense of one
9 of the railways against military operations of Nank-
10 ing. Complete details for the action to be taken
11 against each railroad in case of military action were
12 set out. The plan also provided for army administra-
13 tion when the movement of troops became necessary,
14 and for unification of the railways when it became
15 inevitable to settle the issue by force. It pro-
16 vided for military action against certain important
17 railroad points and for operation of railroads at the
18 battle front. It mentioned the need for large forces
19 when the troops moved to the south to mop up. It
20 set forth the terms and conditions under which the
21 railways would be returned to the North China regime,
22 and the demands that would be made on that regime.
23 a.
24

E-17. On December 9, 1935, Chief of Staff NISHIO

25

E-16. a. Ex. 259, T. 3474-86.

of the Kwantung Army sent to the War Ministry his
1 army's propaganda plan. MINAMI admitted that this
2 plan was issued with his authorization. The plan
3 provided that they would begin their propaganda to
4 convince the world of Kwantung Army lawfulness on its
5 advance into China proper, and they would try to
6 estrange the inhabitants of North China from the central
7 government. When military forces would be sent to
8 China some time in the future, it would be made clear
9 that it was done to punish the military clique and
10 not the people. From Manchuria the propaganda would
11 be that the appearance of an independent government in
12 North China was only a manifestation of its longing
13 for the fine administration of Manchuria. Propaganda
14 was to be planned and carried out by the Army Staff and
15 the Special Services of the Expeditionary Forces. Be-
16 fore the forces moved into China, propaganda would
17 be launched, and after the advance, propaganda would
18 be used to facilitate military activities. Generally,
19 the troops were to provide the personnel, but if
20 troop personnel were unavailable, it was to be pro-
21 vided by the Army Staff.
22
23 E-18. These plans disclose three essential
24
25 E-17. a. Ex. 195, T. 2277
 b. T. 19997
 c. Ex. 195, T. 2277-9

points of the conspiracy: (1) the conspirators had
1 as a fundamental part of their conspiracy the intention
2 of invading China proper; (2) the conspirators
3 had planned in advance in complete detail their entire
4 scheme for taking over China; (3) all actions
5 taken prior thereto were in preparation for carrying
6 out that invasion.

E-19. The plans of the armies in North China and Manchuria met with the ready approval of the military authorities in Tokyo. Under date of January 13, 1936, there was transmitted to the forces in China an army plan for dealing with North China, and instructions thereon were issued to the commanders of Japanese forces in China not under the control of the Kwantung Army. The principal object of the plan was to assist the Chinese to realize self-government in North China, for which purpose Japan was determined to give support and guidance. The plan provided for establishing self-government through a program of gradual enlargement of the self-government area, and enunciated as the principle of guidance that care be taken so that there be no misapprehension that Japan was setting up a separate state like Manchukuo or intending to carry out an expansion of Manchukuo. It provided for increasing the independence of the Hopei-Chahar

1 Political Council and against allowing the plans for
2 Inner Mongolia to interfere with this program.

3 The operations toward Inner Mongolia were
4 to continue as theretofore, but were to be limited to
5 the area north of the Great Wall. Management of North
6 China was assigned to the Commander of Japanese
7 stationary troops in China to be handled as a rule
8 by direct contact with the Hopei-Chahar and East Hopei
9 governments. To assist the Political Council, a pro-
10 visionary organization supervised by the Japanese
11 commander was to be established. The Kwantung Army
12 and other organizations and officials were directed to
13 cooperate in this program.
14 a.

15 2. THE FEBRUARY 26, 1936 INCIDENT

16 E-20. Although the armies in North China and
17 Manchuria and the military authorities in Tokyo had
18 reached a clear understanding that this program was
19 to be the next step in furtherance of the conspiracy,
20 the participation of one important group, whose consent
21 and cooperation were essential to the success of the
22 program, had not yet been acquired. The government,
23 represented by the OKADA Cabinet, although fully aware
24

25 E-19. a. Ex. 215, T.2721-6

of the army program from its inception as shown before, was not willing to go along. In fact, the cabinet had been working on another program, which, if successful, would have for the time being rendered this phase of the conspiracy abortive. On August 5, 1935, Foreign Minister HIROTA sent to the diplomatic and consular officials in China a plan of the Bureau of East Asiatic Affairs prepared as a result of the reinvestigation of China policy which he had ordered. The plan had as its essential policy the securing of stabilization in East Asia by cooperation between Japan, Manchukuo, and China. This object was to be attained through the three HIROTA principles: (1) that China should control anti-Japanese speeches and activities, (2) that Japan and China should try to establish and promote friendship and cooperation by mutual respect and assistance, and that both should work to develop relations between Manchukuo and China, although China for the time being was not required to formally recognize Manchukuo but only to agree not to deny its existence in North China, and (3) that Japan and China should cooperate in Chahar and other districts bordering on Outer Mongolia with a view to removing the communist menace. After considerable discussions with the army

b.
and navy, the plan was adopted on October 4, 1935,
1 by the Premier and Foreign, War, Navy, and Finance
c. Ministers. The diplomatic authorities were instructed
2 to keep the matter strictly secret. On January 21,
3 1936, the three principles, which had theretofore
4 been kept secret, were publicly made known through
5 e. HIROTA's speech to the Diet. At that time HIROTA
6 was quite familiar with the army policy, having trans-
7 f. mitted it to Ambassador ARIYOSHI in China.

E-21. Following the announcement of HIROTA's
10 three principles, on February 26, 1936, an incident
11 of the gravest importance broke out. For the purposes
12 of this proceeding it is unnecessary to note the inci-
13 dent itself in detail. It is sufficient to rely on the
14 uncontested testimony of Premier OKADA that 22 army
15 officers and 1400 men revolted, terrorized Tokyo for
16 three and one-half days, seized the Premier's official
17 residence, the police building, the Diet, the Home and
18 War Offices and the General Staff Building, assassina-
19 ted Finance Minister TAKAHASHI, Lord Keeper SAITO and
20 General ATANABE, and attempted to assassinate Grand
21 Chamberlain SUZUKI and Premier OKADA.
22 a.

E-20. b. Ex. 3254, T.29625-8
24 c. Ex. 3255, T.29630
d. Ex. 3255, T.29630
e. Ex. 3241, T. 29492; Ex. 2434, T. 19729-30, 29639-41
25 E-21. a. Ex. 176, T. 1831-2.

1 E-22. Although the revolt was subsequently
2 put down, it fully accomplished its purpose and assist-
3 ed greatly in furthering the ends of the conspiracy.
4 a.
5 Premier OKADA resigned, and on March 9, 1936, the
6 b.
7 accused HIROTA became Premier. According to HIROTA's
8 witness TSUGITA, the HIROTA Cabinet had as its mission
9 the rigid enforcement of military discipline, the calm-
10 ing of the people and the establishment of a peaceful
11 c.
12 diplomacy. In light of this mission and the dire
13 events of the preceding weeks, one might have expected
14 that HIROTA would have taken stern measures to bring
15 the army into line. On the contrary, his very first
16 act, even before becoming premier, was to insure its
17 dominance. TSUGITA testified that HIROTA in forming
18 his cabinet encountered several demands from the army
19 on the selection of ministers, and it was feared that
20 if he rejected these demands he would be unable to get
21 a war minister. After great difficulty, HIROTA succeeded
22 in forming a cabinet only after he had acceded to most
23 d. of the army demands. In May 1936, shortly after HIROTA
became Premier, the organization of the army and navy
was changed to require that war and navy ministers be
of not less than lieutenant-general and vice-admiral

rank, and vice-ministers of not less than major-general
1 and rear-admiral rank, and that all be on active duty.
2 While this change did, in fact, make the law conform
3 to the practice actually followed since 1913, when
4 reserve officers were first permitted to become war
5 and navy ministers, and while the law was avowedly
6 changed for the purpose of maintaining discipline and
7 to prevent general officers who were being relegated to
8 the reserves as punishment for participation in the
9 February incident from becoming war minister, and while
10 it did not prevent a reserve officer from being reac-
11 f.
12 tivated and given the ministership, it did give to
13 the army an effective weapon for furthering the con-
14 spiracy. It did assure to the army that whoever became
15 war minister, whether he was a person taken from the
16 active rolls or was one reactivated from the reserves,
17 such minister would be on active service and subject to
18 army discipline and command, and would not be an inde-
19 pendent minister of state. It effectively blocked any
20 subsequent premier, who might wish to oppose the army's
21 demands, from choosing from the reserves a war minister
22 who was freed from army control.

23 The reading will be continued by Mr. Sutton.
24 E-22. e. Ex. 93, T.684
f. Ex. 2366, T. 18176-82
25

MR. SUTTON: May it please the Tribunal.

1 3. AGGRESSIVE POLICY TOWARD CHINA

2 MARCH 1936 to JULY 1937.

3 E-23. The demands of the army for the appoint-
4 ment of certain ministers was not the only demand of
5 the army to which HIROTA succumbed. The HIROTA
6 Cabinet affirmatively joined in the conspiracy all
7 agencies necessary to effectuate it. Although defense
8 witness KUWASHIMA testified that the HIROTA Cabinet
9 continued the previous negotiations on the basis of
10 the HIROTA three principles until the Suiyuan Incident
11 in December 1936,^a the documentary evidence in this
12 proceeding of the cabinet plans during the HIROTA Admin-
13 istration shows clearly that the Japanese government
14 had no intention of negotiating along the lines
15 previously designated, but was using the negotiations
16 as a fraud or a blind to cover up its real purpose of
17 furthering the ends and objects of the conspiracy.

19 E-24. In giving way to the demands of the
20 Army, the HIROTA Cabinet did not limit itself to
21 approving the program for North China which the army
22 was then carrying out, but committed itself fully to
23 the entire conspiracy. The five chief ministers

25 E-23
25 a. Ex. 3241, T. 29493; T. 29556-7

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25 E-23
25 a. Ex. 3241, T. 29493; T. 29556-7

formulated the entire conspiracy as the national
1 policy of Japan. On June 30, 1936 the War and Navy
2 ministries decided on "The Basis of National Policy".^a
3 On the same day, the principle of the policy was
4 approved by the Premier and the Foreign, War, Navy,
5 and Finance Ministers,^b and on August 7, 1936 the
6 concrete plan was adopted and signed by HIROTA as Premier
7 and the other four ministers as the "Basic Principle
8 of National Policy".^c The fundamental policy decided
9 upon was to secure Japan's position on the Asiatic
10 continent by diplomatic policy and national defense
11 and to advance and develop Japan toward the South Seas.
12 Japan was to carry out the national defense and
13 military preparations needed to secure peace, to
14 protect the development of the nation and to insure
15 Japan's position as the stabilizing power in East Asia.
16 The fundamental principles of the continental policy
17 were the sound development of Manchukuo, the intensi-
18 fication of national defense of Japan and Manchukuo to
19 eradicate the Soviet menace and at the same time to
20 prepare against Britain and America, and close
21 cooperation between Japan, Manchukuo and China for
22 economic development.^d The basic plan provided for
23
24

E-24

- 25 a. Ex. 977, T. 9542-7
b. Ex. 978, T. 9547-50
c. Ex. 216, T. 2726-8; Ex. 979, T. 9551-3
d. Ex. 216, T. 2727-8

complete internal reform administratively, politically,
1 and economically for national policy and defense, for
2 the direction and unification of internal public
3 opinion and the leading of popular thought, for the
4 rapid development of aviation and shipping, and for
5 the promotion of a self-sufficient policy for resources
6 and materials for national defense and industry.^e
7 The military were to give undercover assistance so
8 that diplomatic activities might progress advantageously.^f
9

E-25. With the adoption of this policy,
11 the HIROTA Cabinet committed Japan to four principles
12 all of which were to further the conspiracy:
13 (1) the attaining of the object and end of the
14 conspiracy was made the fundamental national policy
15 of Japan; (2) the object of the national policy and
16 the conspiracy was to be attained, if possible,
17 through diplomatic means with military assistance;
18 (3) if diplomacy failed, the object was to be achieved
19 by war -- euphemistically called national defense --
20 against all obstacles; and (4) the Japanese nation,
21 its people and its economy were to be prepared for
22 and geared to war.

24 E-24

25 e. Ex. 977, T.9542-7
 f. Ex. 977, T. 9545

E-26. Having laid down a basic national
1 policy for Japan, the HIROTA Cabinet shortly there-
2 after turned its attention to the more specific and
3 immediate problem of North China. On August 11, 1936
4 it formulated an administrative policy towards North
5 China. The purpose of the policy was declared to be
6 to assist the people of North China to secure
7 independence in administration, to set up an anti-
8 communistic and pro-Japanese area, to secure necessary
9 materials for national defense, to improve transporta-
10 tion facilities against the possible invasion of Soviet
11 Russia, and to make North China a base for cooperation
12 and mutual aid among Japan, Manchukuo and China. To
13 effect this, Japan must guide the local powers and
14 make Nanking stop hindering the self-administration
15 of North China. Great stress was laid on the need for
16 conducting activities in order to avoid opposition and
17 allay the suspicion of either China or other foreign
18 powers that another independent country was being
19 established. The planned economic development was
20 to be carried out in order to create an inseparable
21 connection with China and to contribute toward preserv-
22 ing friendly relations both in war and peace. North
23 China's iron, coal and salt were to be used for Japan's
24 national defense, and for promoting transportation and
25

electric power.^a

1 E-27. Notwithstanding the fact that the
2 conspirators now held every strategic position in
3 both the government and the army and had brought
4 about a clear formulation of the object of the
5 conspiracy as Japan's national policy, they were
6 faced early in 1937 with a crisis which threatened to
7 block, at least temporarily, the effectuation of the
8 conspiracy. However, they were able to withstand the
9 crisis successfully, thus showing that at this time
10 they already had sufficient control of the internal
11 situation in Japan to direct it fully for their own
12 ends. On January 20, 1937, the Seiyukai Party issued
13 a declaration criticizing the HIROTA Cabinet on the
14 ground that its members were influenced by dogmatic
15 prejudices of the bureaucrats and the military, and
16 pointing out that the military's desire to interfere
17 in every sphere was a threat to Japan's constitutional
18 government.^a On the following day, according to a
19 Home Ministry report, the army authorities stated they
20 could not do business with a party whose policy for
21 administrative reform was opposed to the policy demanded
22 E-26 a. Ex. 217, T.2728, 2740-43
23 E-27 a. Ex. 2208A, T. 15,790-3

1 by the Japanese people for the existence and expansion
2 of Japan as the stabilizing power of East Asia, the
3 abandonment of which would cramp Japan into her islands
4 and prevent her from accomplishing her mission. They
5 advocated getting rid of the existing parliamentary
6 situation.^b On the same day, War Minister TERAUCHI
7 engaged in argument in the Diet with a member of the
8 Seiyukai Party. Whereupon, TERAUCHI demanded dissolu-
9 tion of the House of Representatives, and when this
10 was refused by the Cabinet, he resigned on January 22,
11 1937.^c On the 23rd, according to the Home Ministry
12 report, TERAUCHI stated that he had not resigned because
13 of the speech against him in the Diet, but because
14 some members of the Cabinet who belonged to one of the
15 parties differed fundamentally with his views, and he
16 could not temporize or compromise with them.^d The
17 War Minister having resigned, HIROTA found it
18 difficult to maintain the Cabinet and resigned on
19 January 23, 1937.^e

20 E-28. Upon the fall of the HIROTA Cabinet,
21 the mandate to form a new Cabinet was given to
22

23 E-27

- 24 b. Ex. 2208B, T. 15,794-6
c. Ex. 3258, T. 29,651-3
d. Ex. 2208C, T. 15,796-7
e. Ex. 3258, T. 29,652-3

General UGAKI. However, as General UGAKI himself
1 testified, the military were opposed to him because
2 as War Minister he had reduced the size of the army
3 and had refused to cooperate with the clique in the
4 General Staff in carrying out the March incident.
5 As a result of this opposition, although the army
6 triumvirate of SUGIYAMA, Inspector General of Military
7 Education, NISHIO, vice-chief of staff, and TERAUCHI,
8 outgoing War Minister, submitted three names for the
9 post of War Minister to UGAKI, all three candidates
10 refused.^a In a talk made on January 27, 1937 the
11 accused UMEZU, according to a report of the Home
12 Ministry, stated that the army would not take any
13 measures to check the formation of an UGAKI Cabinet,
14 but indicated clearly that the army was opposed to
15 UGAKI for a reason which could not be disclosed.^b
16 In his testimony, defense witness MITARAI attempted
17 to belittle this Home Ministry report as only a police
18 report.^c However, he admitted that he had never been
19 a government official and carefully avoided stating
20 that he believed the report to be inaccurate, basing
21 his derogatory remarks solely on a contention that if
22

23 E-28

- 24 a. Ex. 163, T. 1608-9
25 b. Ex. 2208 D, T. 15798-800
c. T. 17843-7

UMEZU did speak to a mere police official, he was not
1 making a public statement. In light of the fact that
2 the report is part of the complete report of the events
3 of those days kept in the archives of the Home Ministry,
4 an important cabinet post, and in view of the large role
5 played by the police in Japan, as will be seen from a
6 later portion of this summation, MITARAI's remarks can
7 hardly affect the credibility of the report. Nor does
8 the fact that the remarks may have been made privately
9 to a police official rather than in a public statement
10 affect the credibility of the report. It is not unusual
11 for a man to state privately and off the record matters
12 which he cannot or will not disclose publicly. Moreover,
13 following the event UMEZU sent a notice to the Ex-
14 Soldiers Organization in which he reviewed the entire
15 situation. He stated that as soon as UGAKI received
16 the mandate, the army felt that a War Minister in his
17 cabinet would find it difficult to maintain discipline.
18 He also stated that TERAUCHI had tried to dissuade
19 UGAKI, as did SUGIYAMA, but when he refused to be
20 dissuaded, the triumvirate gave him some candidates
21 who all refused to accept because they could not carry
22 out their duty in this situation.^d The real situation
23
24

E-28

25 d. Ex. 2208-E, T. 15801-3

is crystal clear. The army was opposed to UGAKI, who
1 had been responsible for the failure of an earlier
2 part of the conspiracy, and its opposition was known
3 to all, including the candidates for the post of War
4 Minister. The army triumvirate, knowing full well
5 that their views were known to the candidates, all
6 officers in active service, could well afford to enter
7 into the farce of naming candidates for the post.
8 UGAKI, according to defense witness TUGITA, attempted
9 to take counter measures against the army veto through
10 the intervention of the Emperor, but this in turn was
11 vetoed by Lord Keeper YUASA because of strong army
12 opposition.^e When this last device failed, UGAKI
13 on January 29, 1937 declined the mandate and General
14 HAYASHI proceeded to form the new cabinet.
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E-28

25 e. Ex. 3258, T. 29650-1

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E.29. The fact that the conspirators had weathered the crisis and that the aims of the conspiracy would be pursued as planned is well evidenced by the fact that the HAYASHI Cabinet, although made up of different personnel, continued the policies of the HIROTA Cabinet. On February 20, 1937, within three weeks of its formation, the HAYASHI Cabinet adopted an administrative policy toward North China substantially identical with the policy of August 11, 1936. However, it provided that they should avoid measures which might make foreign powers think Japan aggressive in China. It further provided that in time of war North China would be the source of materials for Japan's munitions industries.^{a.} On April 16, 1937, the Foreign, Navy, Finance, and War Ministries decided on "The Plans for Guiding North China." These plans were substantially the same in purpose and scope as the earlier plan, but somewhat milder in tone. Instead of compelling the Central China government to recognize the special character of North China, this plan provided for the guiding of the central government to that position. Moreover, the ministers recognized that past policy had frequently

25 E.29.
a. Ex. 218, T. 2747-8.

given an erroneous impression to China and others
1 that Japan intended to enlarge the truce zone, advance
2 Manchukuo's frontier or realize the independence of
3 North China, and they, therefore, resolved to take
4 strict precautions against actions causing these mis-
5 interpretations.^b.

E-30. Moreover, the HAYASHI Cabinet took
no steps to alter or revoke the basic national policy
decided by the HIROTA Cabinet. Whatever effect, if
any, the softening of the tone of the plans with
respect to North China might have had on the course
of events was dispelled by the fact that after only
four months, in June 1937, the HAYASHI Cabinet was
compelled to resign and was succeeded by the first
KONOYE Cabinet and immediate war with China.

B. THE WAR OF AGGRESSION AGAINST CHINA
1937-1945.

1. THE PERIOD FROM JULY 1937 TO JANUARY
1938.

E-31. Freed from the restraints of a
hostile cabinet, the army in North China proceeded
with its program of obtaining its desires from the
autonomous governments in that region. In September

E-29.
b. Ex. 219, T. 2748-50.

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23 autonomous governments in that region. In September
24

25 E-29.

b. Ex. 219, T. 2748-50.

1936, a company of Japanese soldiers holding maneuvers
1 at Fengtai passed through the garrison line of the
2 Chinese army and a clash ensued. Although the incident
3 was immediately settled, the Japanese used the matter
4 as a pretext for reinforcing their troops at Fengtai
5 by a battalion.^a In April 1937, according to the
6 statement of Colonel Kiang, the Japanese charged that
7 one of their soldiers had been wounded. Although an
8 investigation failed to establish any responsibility
9 on the part of the Chinese, the Japanese strongly
10 demanded the withdrawal of the Chinese army stationed
11 at Fengtai, a strategic point on the Peiping-Tientsin
12 Railway. The Chinese army reluctantly complied.^b
13 With the ouster of the Chinese army from Fengtai and
14 the occupation of that place by the Japanese, the
15 latter were in a position to control communications
16 of the Peiping-Hankow line and to cut off North China
17 from Central China, thereby making it a special sphere,
18 an object toward which they had long been striving.^c
19 To make the project complete for the time being, all
20 that was needed was control of Peiping. This could be
21 most easily accomplished if the Japanese could take
22 Lukouchiao.^d

24 E-31.25 a. Ex. 199, T. 2316-7. c. Ex. 248, T. 3318.
 b. Ex. 345, T. 4629. d. Ex. 248, T. 3318.

E-32. The Japanese first attempted to
1 accomplish the taking of Lukouchiao and the control
2 of Peiping without military action. Both General
3 Ching and Magistrate Wang testified that the Japanese
4 surveyed some 6000 mow of land between Fengtai and
5 Lukouchiao and requested that the Chinese rent or
6 sell to them this land for the purpose of building
7 barracks and air fields. When these requests were
8 denied, the Japanese resorted to threats and induc-
9 ments, but these also were refused. HASHIMOTO, Gun,
10 Chief of Staff of the Japanese forces in China, then
11 demanded of General Ching the right to buy this land,
12 a purchase which was wholly contrary to the law of
13 China and contrary to the desires of the private
14 individuals owning the land. This demand was also
15 rejected.^a. This episode much embittered the Japanese
16 forces.^b.

E-33. The attempt to obtain control of
18 Lukouchiao by purchase or through threat and bribery
19 having failed, the only alternative that remained was
20 to obtain it through the application of military
21 pressure or force. This, of course, as in the past,
22 required a pretext under which military demands could
23 be made.

25 E-32.
a.. Ex. 198, T. 23²¹-2; Ex. 248, T. 3318-20.
b. Ex. 198, T. 23²³.

be asserted or military action started. An excellent
1 opportunity was available. By the Boxer Protocol of
2 1901, Japan and other powers were entitled to station
3 troops along the Peiping-Mukden Railway to keep com-
4 munication with the sea open.^{a.} By the supplementary
5 agreement between the powers to the Protocol of July
6 15, 1902, the occupying powers were granted the right
7 to carry on field exercises and rifle practice without
8 informing the Chinese except in case of feux de guerre.^{b.}
9 The Japanese conceded that in July 1937, the number
10 of their troops on garrison duty under the Protocol
11 was approximately 7000,^{c.} while the Chinese contended
12 that the number approximated 15,000.^{d.} The exact
13 number is wholly immaterial, for even if the Japanese
14 figure is accepted, as it was by the League of Nations,^{e.}
15 the number was greatly in excess of that needed to
16 carry out the duties under the Protocol. All the other
17 protocol powers had only small detachments; the
18 British had a total of 1007, including its legation
19 guard, while the French had 1700 to 1900, the most of
20 whom were at Tientsin.^{f.} Not only were the number of
21
22 E-33.

23 a. Ex. 247, T. 3312-4; Ex. 58, T. 3307.

24 b. Ex. 2483, T. 20596.

25 c. Ex. 2487, T. 20612.

d. T. 2470.

e. Ex. 58, T. 3298.

f. Ex. 58, T. 3248.

their troops greater than those of the other powers,
1 but the Japanese also conducted maneuvers oftener
2 and on a larger scale. Wang estimated that from the
3 fall of 1936 the Japanese carried on maneuvers six
4 times.^{g.} Defense witness HASHIMOTO admitted that
5 night maneuvers by other foreign garrisons were much,
6 much less than the Japanese, and that Japanese man-
7 euvers were carried out intensively from April or May
8 to September and October.^{h.}

E-34. The right to carry on maneuvers gave
10 the Japanese army an excellent opportunity to create
11 an incident which would be the basis for action.
12 According to defense witness KAWABE, from June until
13 the outbreak of the incident night maneuvers were
14 carried out nightly.^{a.} Colonel Barrett, then United
15 States assistant military attaché at Peiping, testified
16 that the holding of the maneuvers at Wanping during
17 July 1937 was deliberately provocative because of the
18 strained relations and the chance for misunderstanding
19 and friction.^{b.} The maneuvers were deliberately pro-
20 vocative in that they were conducted in an area where
21 the Japanese had no right to be. General Ching testi-
22 fied that the Japanese troops were maneuvering in
23
24

E-33.

g. Ex. 248, T. 3320.
h. T. 20649-51.

E-34.

a. Ex. 2479, T. 20529.
b. Ex. 249, T. 3363.

Chinese territory in violation of international law
1 and that no permission had been obtained from the
2 Chinese.^{c.} Goette testified that on the night of
3 July 7, 1937, he dined with the United States Ambas-
4 sador, the military attache Colonel Stillwell, and
5 Colonel Marston of the Marine Corps, and they all
6 discussed at length the potentialities of that
7 night's maneuver, since it was being conducted at
8 night west of Peiping near an important railway
9 bridge and not at the usual place set aside for man-
10 euvers of the International Guards.^{d.} The maneuvers
11 were also deliberately provocative in that the Japanese
12 failed to give notice to the Chinese of their inten-
13 tion to hold them in accordance with agreement.
14 Although the supplement to the Boxer Protocol per-
15 mitted maneuvers to be held without giving notice,
16 General Ching and the Japanese garrison commander had
17 entered into an agreement whereby the Japanese agreed
18 to notify the Chinese in case of night field maneuvers,
19 so that they could in turn notify the inhabitants and
20 thus avoid misunderstandings and clashes.^{e.} This
21 agreement testified to by General Ching was admitted
22
23

24 E-34.

25 c. Ex. 198, T. 2326.
 d. T. 3759-61.
 e. T. 2396-2400.

by defense witnesses HASHIMOTO and KAWABE.^{f.} In
1 addition, Magistrate Wang testified that the Japanese
2 battalion commander had agreed to give notice if the
3 Japanese decided to maneuver with loaded weapons, and
4 that in practice they had theretofore given such
5 notice.^{g.} General Ching testified that on the night
6 in question no notice was given and that Regimental
7 Commander Chi did not even know that the maneuvers
8 were being conducted.^{h.} Colonel Barrett testified
9 that ball ammunition was fired in the Marco Polo
10 clash and that no one had ever suggested in the
11 course of his investigation of the matter that blank
12 cartridges were used in the maneuver of the night of
13 July 7, 1937.^{i.}

15 E-35. In holding deliberately provocative
16 maneuvers, the Japanese intentionally set the stage
17 for the occurrence of an incident which would serve
18 as a pretext for taking Lukouchiao. The situation was
19 such that an incident would occur either through some
20 slight Chinese action brought about by the intense
21 provocation, or through some Japanese action designed
22 to place the blame on the Chinese. As might have been
23

24 E-34.

f. Ex. 2479, T. 20529; Ex. 2487, T. 20622, T. 20648.

g. Ex. 248, T. 3320-1.

h. Ex. 198, T. 2326-7.

i. T. 21860-1.

expected in such an explosive situation, an incident
1 did occur or, more accurately, was alleged to have
2 occurred. The Japanese alleged that in the course of
3 their maneuvers on the night of July 7, 1937, they
4 were fired upon by Chinese soldiers from the walled
5 city of Wanping and that in the resulting confusion
6 one of their men was missing. They, therefore, demanded
7 the right to search the city.^{a.} Upon the basis of all
8 the evidence in the case, it is respectfully submitted
9 that it is clear that the whole incident was a product
10 of the Japanese imagination designed to serve as a
11 pretext for action. This is borne out by the fact
12 that of all the witnesses for the defense on this
13 point only one, KAWABE, testified as to this Japanese
14 version and yet he was admittedly not in the area on
15 the night of July 7.^{b.} Of the defense witnesses who
16 were on the spot or near the area at the time, SAKURAI
17 merely testified that he received notice that there
18 was trouble,^{c.} and HASHIMOTO, Gun, who testified at
19 length about everything else, zealously avoided dis-
20 cussing the events of the night of July 7.^{d.} On the
21 contrary, General Ching, who was at the spot and ordered
22
23

E-35.

24 a. Ex. 198, T. 2326.

b. Ex. 479, T. 20530.

c. Ex. 2480, T. 20555.

d. Ex. 2487, T. 20611-67.

an investigation, testified that the Chinese had not
1 fired and that the Regimental Commander in charge of
2 the soldiers who were supposed to have done the firing
3 did not even know that the Japanese were maneuvering
4 in the area,^{e.} and Wang who made an investigation,
5 found no missing soldier.^{f.} Ching further testified
6 that on the 9th, the Japanese reported that the missing
7 soldier had been found.^{g.} The absence of any testimony
8 from the defense on this latter point is more than
9 strongly indicative that no soldier was missing at
10 any time. Moreover, all the circumstances surrounding
11 the incident followed closely the pattern of the Mukden
12 Incident but avoided its pitfalls. Also, according
13 to the defense's own testimony, all the responsible
14 officers, except the commander who was on his death bed
15 and the chief of staff, were away on investigation and
16 maneuvers.^{h.} This time they did avoid the situation of
17 Chinese corpses being found in positions inconsistent
18 with the Japanese version; instead, they used the story
19 of a missing soldier, but never explained that if he
20 were missing as the result of Chinese firing from the
21 walled city on the maneuver area, why they expected to
22 find him within the city.

25 E-35.

e. Ex. 198, T. 2327. g. Ex. 198, T. 2330.

f. Ex. 248, T. 3321-2. h. Ex. 2487, T. 20619-20.

E-36. Immediately on learning of the
1 alleged incident, General Ching ordered Magistrate
2 Wang to make an investigation and ordered Commander
3 Chi to prepare for the defense of the area, giving
4 instructions that the Chinese were not to open fire
5 if the Japanese did not fire first.^a When the Japanese
6 again demanded that their soldiers be allowed to
7 enter and search the town, the Chinese agreed to the
8 appointment of a joint investigation committee.^b
9 Although the Japanese commissioners tried to induce
10 the Chinese to negotiate under pressure of the pres-
11 ence of Japanese troops, the Chinese insisted that
12 negotiations be preceded by preliminary investigation
13 according to agreement.^c When the commission arrived
14 on the spot, a Japanese unit was already drawn up,
15 had encircled the city on three sides and had taken
16 up field positions.^d While the commission was inside
17 the city, the Japanese opened fire and the battle was
18 on.^e The story as told by Ching and Wang was corrobor-
19 orated by Colonel Barrett from his own independent
20 investigation^f and by Goette, who found the Japanese

E-36.

23 a. Ex. 198, T. 2328-9.

24 b. Ex. 198, T. 2329; Ex. 248, T. 3322-3.

25 c. Ex. 248, T. 3323-4.

d. Ex. 248, T. 3323-4; Ex. 198, T. 2329.

e. Ex. 248, T. 3324-6; Ex. 198, T. 2329-30.

f. Ex. 249, T. 3357.

1 reluctant to give any information.^{g.} While the
2 defense attempted to assert that the Chinese fired
3 first, defense witness HASHIMOTO in his affidavit
4 admitted that on July 8, after the committee was set
5 up, he received a report that the Japanese had attacked
6 the Chinese at Lungwangmiao.^{h.} The evidence is thus
7 clear that the Japanese opened hostilities.

8 E-37. The initial battle, which continued
9 throughout the day, was concluded on July 9 by a truce
10 which provided that all military action stop, that
11 troops on both sides return to their respective posi-
12 tions, that garrison duty of the city be taken over
13 by the Peace Preservation Corps and that both sides
14 refrain from developing future incidents.^{a.} Having
15 signed the truce, the Japanese did nothing in compli-
16 ance with it but did everything to prevent it from
17 being carried out. They prevented by military force
18 the Peace Preservation Corps from taking over their
19 duties until the force had been halved.^{b.} Although
20 the Chinese withdrew their units to the original line,
21 the Japanese left a part of their troops along the
22 railway tunnel, under the pretext of finding corpses,
23

24 E-36.

25 g. T. 3763.

h. Ex. 2487, T. 20622.

E-37.

a. Ex. 198, T. 2330-1;

Ex. 248, T. 3326.

b. Ex. 248, T. 3326-7.

and these troops again fired on the city.^{c.} There
1 were sporadic clashes which the Japanese charged were
2 started by the Chinese. However, defense witnesses
3 KAWABE, SAKURAI and HASHIMOTO all agreed that the
4 Chinese did not fire on the Japanese until there was
5 firing from a midpoint, which HASHIMOTO fixed at a
6 point closer to the Japanese side. They placed the
7 blame on some unnamed third group which they allege
8 did it to foment trouble.^{d.} Yet, it has not been
9 shown that there was any third group present in the
10 area at the time. If, without saying so directly,
11 the accused mean to intimate that this anonymous
12 third group was the communists, they are faced with
13 the fact that an independent observer, Colonel Barrett,
14 was unable to find any evidence whatsoever of com-
15 munistic activity behind the trouble in the course of
16 his investigation.^{e.} The activities of the Japanese
17 themselves confirm the finding of Colonel Barrett that
18 the incident could have been settled at any time if
19 the Japanese had so desired.^{f.}

22
23
24 E-37.

- 25 c. Ex. 248, T. 3327-9.
d. Ex. 2479, T. 20535; Ex. 2480, T. 20557-8;
 T. 20663.
e. T. 21861-2.
f. Ex. 249, T. 3358.

E-38. Rather than revealing any Japanese desire to halt the matter, the evidence is convincing that the Japanese were utilizing the truce only as a delaying tactic to give them an opportunity to increase their forces and to redistribute them.

Testimony offered by both the prosecution and the defense, including that of independent observers, showed that the Japanese immediately increased their forces with troops from Korea and Manchuria. The units were sent to the Peiping and Tientsin areas.

By July 12, there were 20,000 Japanese troops and 100 airplanes.

E-39. Fighting broke out again on July 14. According to the defense's testimony, the Japanese then made certain demands on the Chinese to be fulfilled by July 19, and the demands were accepted by General Sung on the 18th. Learning on the 25th that the Chinese were moving troops to the north and claiming that the Chinese were not carrying out the terms of the truce, on July 26 the Japanese issued an ultimatum requiring inter alia, that the 37th Division in Peiping be moved by noon of the 28th, in

E-38

a. Ex. 249, T. 3363; 21837-8; Lx. 248, T. 3330
Ex. 198, T. 2331; Lx. 2487, T. 20629

b. Ex. 198, T. 2331; Ex. 249, T. 3358-9

c. Ex. 58, T. 3300

E-39 a. Ex. 198, T. 2331 b. Ex. 2487, T. 20624-6

~~c.~~
default of which the Japanese would attack in force.

1 Knowing full well that nothing but complete surrender
2 and evacuation -- leaving the area to the Japanese --
3 would satisfy the Japanese, the Chinese on the 27th
4 counter-attacked at Lukouchiao and Fengtai. On the
5 28th the Japanese attacked at Nanyuan and hostili-
6 ties continued until the close of the war in 1945.
7 The Japanese immediately occupied Peiping and Tien-
8 sin and seized the railways. Following the occupa-
9 tion of Peiping, the Japanese Army proceeded with a
10 three-pronged drive down the Peiping-Tientsin Railway
11 toward Shantung, down the Peiping-Hankow Railway and
12 up to the Peiping-Suiyuan Railway, which the Japanese
13 Army spokesman, according to Goette, described as
14 g.
Major war.

15 E-40. As the army was moving steadily ahead
16 toward its objective in China, it was being ably
17 assisted by the conspirators in Tokyo. On July 9,
18 immediately after the first fighting took place, the
19 KONOYE Cabinet in an extraordinary session decided
20 that the government attitude would be to hold fast
21 to the policy of arresting the scope of the disturb-
22 a.
23 ance and to seek an immediate local settlement.

24 E-39 c. Ex. 2487, T. 20630-1; Ex. 248, T. 3331;
Ex. 198, T. 2331-2
25 d. Ex. 198, T. 2332 e. Ex. 248, T. 3331
f. Ex. 58, T. 3301 g. T. 3736

E-40 a. Ex. 3260, T. 29684-5

Notwithstanding the decision to seek a peaceful
1 settlement, the General Staff on July 10 decided to
2 reinforce the garrison by sending two brigades from
3 the Kwantung Army, one division from Korea and
4 b. three divisions from Japan. This army proposal
5 was approved on July 11 by the KONOYE Cabinet in
6 c. which the accused KAYA and HIROTA were members.
7 However, on the night of the 11th, it was decided to
8 send only the forces from Korea and Manchuria for the
9 time being. On July 13, the Supreme Command adopted
10 d. the "Policy for the Treatment of the North China
11 Incident," which, as defense witness TANAKA, Shinichi,
12 e. testified, provided that while they would follow the
13 localization policy and would decide mobilization of
14 homeland forces in the light of the future, if the
15 Chinese neglected the terms or showed no sincerity or
16 removed their troops to the north, Japan would take
17 f. resolute steps. In view of the fact that the
18 Japanese troops themselves were making it impossible
19 for the truce to be carried out, the decision can
20 only be construed as one to take action. After the
21 17th, the Central Command in Tokyo proceeded to
22
23 E-40 -
24 b. Ex. 2582, T. 21986 c. Ex. 3260, T. 29687-9
25 e. Ex. 2486, T. 20680; Ex. 2582, T. 21989-90
f. Ex. 2488, T. 20681; Ex. 2582, T. 21990

1 prepare for homeland mobilization which had been
2 interrupted on the 11th, and even after Sung had come
3 to terms on the 18th, the Central Command pushed for-
4 ward with preparations of mobilization orders on the
5 pretense that Nanking had shown no sincerity. On
6 the 20th, the Cabinet authorized mobilization of three
7 divisions.^{g.} On July 27, mobilization orders were
8 issued for four divisions, and on the 28th, the
9 Central Command gave approval for the use of force
10 to chastise the Chinese 29th Army.^{i.} This fast mov-
11 ing series of events, considered in view of their
12 coordination with the military movements in the battle
13 area, show clearly that the avowed policy of peaceful
14 settlement was conditioned on Japan's demands being
15 fully met.

16 E-41. Any chance that there might have been
17 for a peaceable settlement was considerably weakened
18 by the second part of the Cabinet decision of July 9
19 that the settlement must be made locally. On July 11,
20 steps were taken to strengthen the diplomatic staff
21 in North China,^{a.} and Counsellor HIDAKA was instructed
22 by the Foreign Office to notify Nanking of the in-
23 tention to settle the matter locally and to request
24

25 E-40 g. Ex. 2582, T. 21993-4 E-41 h. Ex. 3260, T. 29690 a. Ex. 260, 3487-8
f. Ex. 2582, T. 21995-6

that Nanking not obstruct the efforts. When the
Chinese Foreign Office pointed out that any local
understanding would go into effect upon confirmation
by the Central Government, HIDAKA, on July 17, was
instructed to demand that Nanking not obstruct the
agreement reached on the spot. In a speech in the
Diet on the same day, HIROTA called for a local settle-
ment. The purpose of insisting on a completely
local settlement is abundantly evident. If Nanking
could be forced to agree, the local authorities,
deprived of the support of their central government,
would be considerably weakened and compelled to accept
all Japan's demands. Furthermore, the result would
be tantamount to full recognition of complete auton-
omy in all matters for North China, which Japan
strongly desired and which China equally strongly had
refused to grant.

E-42. With the capture of Peiping, Japan
had obtained its objective for the time being. Accord-
ingly, on August 5, 1937, KONOYE, HIROTA, and the War
and Navy Ministers approved a draft of terms, the
main points of which defense witness HORINOUCHI stated

E-41
b. Ex. 3273, T. 29903; Ex. 3260, T. 29690
c. Ex. 3273, T. 29903-5; Ex. 2495, T. 20803
Ex. 2496, T. 20805
d. Ex. 2497, T. 20817-20

were the establishment of unfortified zones along
1 the Pei-Ho River, the withdrawal of both Japanese and
2 Chinese troops from the area specified, no annexation
3 of territories and no indemnities. On the basis of
4 these terms, FUNATSU was sent to China to begin
5 negotiations, which, however, were brought to an
6 abrupt end by the further extension of hostilities
7 to Shanghai.
b.

E-43. As in many of the other incidents,
the Japanese again had a pretext for the Shanghai
hostilities that broke out in August in the killing
of Lt. OYAMA and a sailor on August 9. While a great
deal of testimony was introduced by the defense with
respect to this killing, the entire line of testimony
on the matter is completely devoid of any relevancy
to this proceeding since the Japanese Government
never claimed that this killing was the cause of the
hostilities. In fact on September 2, 1937, Foreign
Minister HIROTA denied that this incident had anything
to do with the matter and asserted that the reason
for the outbreak of hostilities was that China, in
violation of the truce of May 15, 1932, had rushed
troops into the forbidden area, strengthened the

E-42
a. Ex. 3260, T. 29692
b. Ex. 3260, T. 29693-4

Peace Preservation Corps, and provoked the Japanese.

1 The real point of dispute grew out of the truce of
2 May 15, 1932. While China had accepted and agreed
3 that her troops would remain in the positions they
4 then occupied, she had declared at the time that
5 nothing in the agreement implied a permanent re-
6 striction on the movement of Chinese troops in Chinese
7 territory. In June of 1937, acting on reports
8 that the Chinese were reinforcing the Peace Preser-
9 vation Corps in what he termed "the forbidden area"
10 and were constructing and reconstructing fortifica-
11 tions there, Consul-General OKAMOTO called for a
12 meeting of the joint committee set up under the
13 Cease Fire Agreement. At the meeting on June 23,
14 the Chinese took the position that the matter was
15 not within the province of the joint commission,
16 whose only duty, it stated, had been to supervise
17 the withdrawal of forces. The representatives of
18 the participating powers concluded that they could
19 not express an opinion on conflicting interpretations.
20 While stating that he was not authorized to give any
21 information on Chinese action in the area, the Chinese

E-43

24 a. Ex. 2503, T. 20876-7

b. Ex. 58, T. 3302

c. Ex. 2515, T. 21152-3

d. Ex. 2517, T. 21182-6

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representative did assure that nothing undertaken in
1 the area had any hostile intention or warlike prepar-
e.
2 ation. On August 9, the OYAMA Incident occurred,
3 and on August 10, according to defense witness
4 TANAKA, Shinichi, the army was notified by the navy
5 that for the time being they would take no further
6 steps until assured of the sincerity of the Chinese,
7 but circumstances might require preparations for
8 sending troops. The government decided that it was
9 worthwhile to study the proposal for eventual mobili-
10 f.
zation.

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E-43

e. Ex. 2517, T. 21188-9
f. Ex. 2488, T. 20698-9

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On August 12, another meeting of the joint commission was held in Shanghai. While the Chinese delegate continued to maintain that the commission had no authority in the premises, he stated that he would be grateful if the members in their regular capacity made efforts toward averting a clash.^{g.} The Chinese delegate also pointed out that on the 11th he had agreed with the Japanese consul that if there were no truth in the report that heavy Japanese naval reinforcements had arrived, he would agree to withdraw part of the Peace Preservation Corps, but thereafter the previous reports were confirmed.^{h.} Consul-General OKAMOTO, a defense witness, did not deny this statement either at the time or on the witness stand. It could not be denied because defense witness TAKEDA admitted that on August 10 or 11th, 1000 men arrived from Japan and that by noon on the 11th there was a relatively large fleet in the harbor.^{i.} At the meeting on August 12, when the parties were asked to give their assurances not to make an attack within forty-eight hours, while the Chinese gave assurance that they would not attack unless they were attacked, the Japanese would only say that the Japanese would cause no trouble unless provoked

(E-43. g. Ex. 2516, T. 21190-21200.
h. Ex. 2516, T. 21309-10.
i. T. 21301-2.)

or challenged, and defined provocation as including
j.
1 the arrest of a newspaperman.

2 Thus, before any clash had yet occurred, the
3 Japanese had increased their naval forces and were
4 contemplating increasing their military forces. They
5 knew that the Chinese would not attack unless they were
6 attacked. The Japanese had given notice that they would
7 attack if provoked according to the Japanese idea of
8 provocation.

9 E-44. The clash, as might have been expected,
10 occurred on August 13, allegedly because the Chinese
11 fired on the naval landing party. Considering both
12 previous and subsequent events, the fact whether the
13 Chinese or Japanese fired the first shot is totally
14 immaterial, but it should be noted that OKAMOTO placed
15 a.
16 the alleged shooting at the China Press Building,
17 while the other defense witness, TAKEDA, placed it at
18 the Commercial Press, an entirely different building
19 b.
20 in a different area. As soon as the clash occurred
21 on the 13th, the KONOYE Cabinet took up the matter of
22 reinforcement, and on the 15th made a public statement
23 c.
24 that it was sending two divisions. At the same time,
25 according to defense witness TANAKA, Shinichi, the
(E-43. j. Ex. 2516, T. 21311-3.) (E-44. a. T. 21228-9
b. T. 21315
c. Ex. 2488,
T. 20699.)

d.
Cabinet decided to abandon the policy of localization.

E-45. From then on the area of conflict
1 spread rapidly. On October 6, 1937, the League of
2 Nations found that by the end of September under the
3 protection of thirty-eight warships, Japanese reinforce-
4 ments, estimated by the Chinese at 100,000, had been
5 landed. The army had extended its military action
6 into the Yangtse Valley, and the capital and the in-
7 terior had been bombed. The fleet, in addition to
8 aiding the army, was patrolling the coast to prevent
9 supplies from being brought in. Japan was continually
10 intensifying the action and was using larger and larger
11 forces and more powerful armaments. The Chinese
12 estimated that the Japanese had 350,000 troops in
13 China by the end of September, while it was admitted
14 by defense witness TANAKA that by the end of October
15 Japan had fifteen divisions in China. By the end of
16 1937, the Japanese had captured Nanking, the capital
17 of China and the capital of Chahar, Hopei, Suiyuan,
18 Shansi, Chekiang, and Shantung provinces.
19 c.
20

E-46. The speed with which the area of
21 fighting was expanding and the momentum of the movement
22 which was taking Japan deeper and deeper into the heart
23 (E-44. d. Ex. 2488, T. 20700.)

(E-45. a. Ex. 58, T. 3305-6.
24 b. Ex. 2488, T. 20685.

c. Ex. 254, T. 3430.)

of China presented a serious problem to the conspirators. The action was going ahead too fast, and it had got beyond their control. When they had begun their action at Lukouchiao, it had then been done solely with the purpose in mind of obtaining control of Peiping and thus completing their control of North China. To insure the successful fulfillment of the conspiracy, it would have been better if military action had stopped with the capture of Peiping and Japan had had an opportunity to consolidate its gains in Manchuria and North China before proceeding with the next step; but the action had gone far beyond expectations and showed definite points of danger which might bring about the failure of the entire conspiracy. It was not that the conspirators did not intend to move forward into the rest of China; that had definitely been decided upon as a national policy during the HIROTA Cabinet in 1936. It was merely a question of proper timing. While the taking over of Manchuria and North China had been relatively simple and had not brought Japan into open conflict with powers other than China, further movement presented serious dangers of conflicts with such third powers. On the one hand, the deeper Japan moved into China and toward the South, the greater became the possibilities that Japan would

1 come into open conflict with other powers having in-
2 terests in China and the southern regions. This had
3 been fully recognized in the plan of 1936, and it had
4 been decided that the entire country would be mobilized
5 for war. As yet, however, preparations for war, as will
6 be seen later, had not yet gone beyond the period of
7 drafting concrete plans.

8 E-47. Already in the first six months of
9 fighting, the expected danger of conflict with other
10 powers in China had been fully demonstrated. On August
11 26, 1937, two Japanese planes had machine-gunned and
12 bombed two motor cars containing British officials,
13 wounding the British Ambassador.^{a.} On December 11,
14 1937, in the course of the blockade of China, a Japan-
15 ese artillery unit under the command of the accused
16 HASHIMOTO had shelled the British vessel Ladybird and
17 taken it into custody.^{b.} On December 12, 1937, in the
18 course of the same blockade, the U.S.S. Panay had been
19 machine-gunned and bombed without warning and the vessel
20 sunk.^{c.} As yet, Japan had been able to smooth over
21 these instances by making apologies and paying repara-
22 tions. However, the danger of the recurrence of such
23 instances was constantly increasing and might precipitate
24

25 (E-47. a. Ex. 265, T. 3538-41.

b. Ex. 258, T. 3466-7; Ex. 2188, T. 15678.

c. Ex. 263, T. 3517-25; Ex. 964, T. 9478-80.)

Japan into a war with third powers. Accordingly,
1 the best policy in furthering the conspiracy would be
2 to stop the fighting temporarily, keeping all that had
3 been gained, and to prepare adequately for the next
4 step.
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E-48. However, the method to be used in bringing hostilities to a close presented a very serious problem. Direct negotiation with China was impossible. As shown before, it had been tried but had failed as the hostilities had spread to the Shanghai area. Settlement through international organizations pursuant to treaties was also out of the question. This was against Japanese policy. Such intervention might mean the loss of all Japan had acquired on the continent. The League of Nations had found against Japan in its inquiry on the Manchurian question, and Japan had withdrawn from the League. It was all the more likely to find against Japan in this instance, where Japan had no claim whatsoever to a special position in China similar to the one she maintained she possessed in Manchuria. If the matter were to be handled by an international organization, inevitably the question of treaty obligations would have to be considered. The authorities in Japan well knew that their actions were in direct contravention of their treaty obligations. As early as September 13, 1932, Privy Councillor OKADA had stated that the recognition of Manchukuo was a violation of the Nine Power Treaty and that a comparison of the secret agreements with Manchukuo with the Nine Power (E-48. a. T. 29788.)

Treaty showed quite a number of points in conflict.
1 If a violation had been recognized then, it was even
2 more apparent that there was a violation in the present
3 instance.
4

E-49. In fact, on September 12, 1937, before
5 Japan had decided to bring a stop to the hostilities,
6 China had already appealed to the League of Nations.
7 On September 25, Japan had refused the League invita-
8 b.
9 tion to participate in the consultative committee.
10 On September 27, the League of Nations had condemned
11 the aerial bombardment of open cities in China by
12 Japan, c.
13 and on the 28th, the United States had con-
14 curred in the finding. On October 6, 1937, the
15 League had found that Japan's conduct was prima facie
16 inconsistent with her obligation to respect China's
17 independence and sovereignty and not to seek the solu-
18 tion of a dispute with China except by pacific means.
19 The League concluded that Japan's military operations
20 were out of proportion to the event which caused the
21 conflict, that such operations could not be justified
22 on the basis of existing legal instruments or on self-
23 defense and that they were in contravention of the
24 (E-48. b. Ex. 241, T. 2983-4.)
25 (E-49. a. Ex. 271, T. 3645
b. Ex. 3260, T. 29696.
c. Ex. 958, T. 9462.
d. Ex. 959, T. 9463.)

1 obligations under the Nine Power Treaty and the Pact
2 of Paris. These conclusions were on the same day
3 concurred in by the United States. The League had
4 then adopted a resolution expressing its moral support
5 of China and recommended that its members refrain from
6 taking any action which would weaken China's powers of
7 resistance or would increase her difficulties.

E-50. Not only did Japan refuse to allow the
matter to be handled by the League, but she also opposed
conferring with the signatories to the Nine Power Pact
as she was bound to do by the terms of that instrument.
On October 20, 1937, Belgium called a conference of
the Signatory States for October 30 to study amicable
means of hastening the end of the conflict. On
October 27, Japan declined, stating that an attempt
to seek a solution with so many powers with varying
or no interests in Asia would only complicate the situ-
ation and put serious obstacles in the path of a just
solution. Defense witness HORINOUCHI attempted to
justify this action by stating that since the obliga-
tion of the treaty was "to communicate", this could be
done through ordinary channels without participating

1-49 e. Ex. 58, T. 3309-11.

f. Ex. 963. T. 9476.

(Ex. 617A, T. 6818-9.)

25 (E-50.) r. Ex. 905, T. 778.
g. Ex. 617A, T. 6818-9.)
a. Ex. 954A, T. 9444-5.
b. Ex. 954B, T. 9446-50.)

in a conference, and failure to participate was, therefore, not a violation. However, he admitted that participation would have been detrimental to Japan's internal affairs. He might well have added that it would have been ruinous to Japan's program in China.

E-51. The only alternative which would avoid the danger of Japan having to give up her gains was to have some sort of mediation carried on by a third power friendly to Japan. This was the alternative selected, and the terms to be offered were drawn up. The plan used, according to HORINOUCHI, was to avoid third party intervention and arbitration but to use the good offices of a third power to bring about direct negotiations with China. The choice of the proper third party also presented a problem. In July, Britain had offered her services, and the United States had offered her services short of mediation. In answer to HIROTA's invitation of October 27, 1937, to the Ambassadors from the United States, Britain, Germany and Italy to use their good offices to bring about direct peace negotiations on the basis of the August plan, Craigie had offered his country's services, and Grew had made the same offer on condition that both Japan
(E-50. c. Ex. 3260, T. 29698.)
(E-51. a. T. 29790.
b. Ex. 3260, T. 29691-2.

and China ask for it. c. However, the army, which had
1 been growing closer to Germany, disapproved of using
2 Britain and the United States as the intervening powers.
3 Germany was selected and on November 5, the German
4 d. Ambassador presented to China, Japan's terms, which
5 were the terms proposed by HIROTA in August and which
6 e. specifically included a provision for no indemnities.
7 f.
8 As late as December 2, 1937, the German ambassador
9 assured China that Japan had stated that despite her
10 military successes, the terms proposed early in
11 November were still to stand, and China replied that
12 she was prepared to take the proposals as a basis for
13 discussion.

14 THE PRESIDENT: We will recess for fifteen
15 minutes.

16 (Whereupon, at 1445, a recess was
17 taken until 1500, after which the proceedings
18 were resumed as follows:)

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(E-51. c. Ex. 3260, T. 29699-700.
23 d. Ex. 486B, T. 5983.
24 e. Ex. 3260, T. 29701.
f. Ex. 486b, T. 5983-4.)

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Button.

MR. SUTTON: If the Tribunal please.

E-52. However, as the victories progressed,
certain of the conspirators began to feel that more
could be obtained from China through negotiations
with German assistance than through the proposals
drawn up in August. Even before Germany had been
asked to intervene, Premier KONOYE, Foreign Minister
HIROTA, and the War and Navy Ministers had considered
this possibility and had approved on October 1, 1937,
"An Outline Regarding the Settlement of the China
Incident." This document provided that the incident
would be speedily ended by military force and diplo-
matic action to make China abolish her anti-Japanese
and pro-communist policies with the main object
of establishing harmony and co-prosperity among
Japan, Manchuria, and China. Military operations were
to be taken toward occupying certain points so as
to have China relinquish hostile intentions, and
diplomatic measures were to be taken toward China and
third powers to induce China into the position de-
sired. Land forces were to operate principally in
the Hopei-Chahar and Shanghai areas. Japan then

would be mobilized for war. In North China, no
1 separate administration would be conducted although
2 proper guidance would be given, but security would
3 be maintained under military forces. Management
4 of communication and exploitation of natural re-
5 sources for military purposes would be controlled
6 by Japan and matters relating to commerce, economic
7 and finance would be regulated by Japan to make
8 China give up her hostile attitude.
9

E-53. Japan's minimum demands under the
10 plan were as follows: (1) that Japan could station
11 troops, being willing if necessary to voluntarily
12 reduce her forces to the number at the outbreak of
13 the incident; (2) that the Tangku Truce would be
14 continued, while the DOHIHARA and UMEZU agreements
15 would be dissolved; (3) that central China forces
16 in Hopei would be withdrawn and control over anti-
17 Japanism and pro-communism there enforced; (4) that
18 while the two North China political councils would be
19 abolished and the administration conducted by Nanking,
20 the officials should be friendly to Japan; (5) that
21 there would be an agreement for economic collaboration
22 under joint management on equal footing; (6) that
23 a designated demilitarized zone be set up around
24
25

E-52. a. Ex. 3262, T. 29772-86.

1 Shanghai; (7) that China formally recognize Manchukuo;
2 (8) that an anti-Comintern Pact be concluded; (9)
3 that especially strict anti-communist control be
4 enforced in the North China demilitarized zone;
5 (10) that China would control anti-Japanism espe-
6 cially in demilitarized areas; (11) that China pay
7 indemnity for direct damage to Japanese properties
8 and rights for which China had assumed responsibility
9 to protect, and for direct damages due to illegal use
10 or disposal of Japan's property; and (12) that a
11 large scale joint syndicate be set up to engage in
12 marine transportation and aviation and to operate
13 the railroads, and the gold, iron, and coal mines in
14 North China, agriculture and other enterprises.
15

E-54. By the middle of December, with the
16 increasing Japanese victories and the fall of Nanking,
17 the Chinese capital, definite steps were taken by the
18 conspirators who wished to gain the maximum benefits
19 at this time to increase the demands on China. On
20 December 20, a Liaison Conference was held which
21 decided upon the four terms for peace to be offered
22 to China. These terms were that (1) China should
23 abandon her pro-communist and anti-Japanese policies
24 and collaborate with Japan and Manchukuo in an anti-
25 communist policy; (2) demilitarized zones would be

E-53. a. Ex. 3262, T. 29772-86.
E-54. a. Ex. 3260, T. 29702.

established in necessary areas under special administrative machinery; (3) close economic relations were to be concluded among the three nations; and (4) China was to make necessary reparations. The details were in substance the minimum demands contained in the outline of October 1. A reply was demanded for the end of the year, but it might be prolonged until January 10, 1938. The terms were submitted to China through Germany on December 27. Pressure was put on China through Germany to accept the terms quickly. On January 10, 1938, TOGO told von Neurath that peace conditions would be harder if the war continued longer, and that, if Chiang Kai-shek did not accept Japan's terms, peace would be made with each provincial governor. On the same day, having seen items in the press on continuation of the war and of a break in negotiations, Dirksen made inquiry of and was told by HIROTA that Japan expected an answer, but must insist on speed, and that the decisions appearing in the press items were measures to be taken in case of China's refusal. However, the conspirators were not too confident that their terms would be

24 b. Ex. 270, T. 3619-20; Ex. 3260, T. 29702-3.
25 c. Ex. 270, T. 3620-2.

d. Ex. 270, T. 3620. f. Ex. 486D, T. 5991.
e. Ex. 486B, T. 5984. g. Ex. 486F, T. 5993.

accepted. Even earlier, on December 24, 1937, the Cabinet had decided on the "Outline of Measures for the China Incident" to be applied in the event that China continued to resist. Furthermore, some of the conspirators, in particular those from the army, were not in favor of the terms offered. Among the general staff, the opinion prevailed that the conditions of the truce were so aggressive that they might impair future diplomatic relations with China. According to the accused KIDO, the army was in favor of giving concrete terms and was most anxious to press the peace solution, and he was the one that led the battle to keep the terms more abstract. The army thought the chance of failure so great that, according to KIDO, it had firmly determined to bring about peace at any cost. Defense witness KAWABE testified that the General Staff advocated that to secure peace with China definite and moderate terms should be offered. The reason behind the army's view was clearly fear of what might happen in the event of war with the Soviet Union. ITAGAKI testified that even six months later the Supreme

- E-54. h. Ex. 3263, T. 29817.
i. Ex. 3265, T. 29856.
j. Ex. 3340, T. 30836-7.
k. Ex. 3340, T. 30836.
l. T. 22047-8.

1 Command saw important defects in defense against the
2 Soviet, and had to aim at ending the Hankow operation
3 and to devise measures for peace so as not to neglect
4 national power against the Soviet. This feeling on
5 the part of the army did not represent any abandon-
6 ment of the object of the conspiracy. It meant only
7 that the military men, with their knowledge of
8 strategy, tactics and the needs of warfare, felt it
9 better to consolidate the position in North China,
10 to stop the warfare, and to prepare adequately against
11 the contingencies of conflicts with third powers
12 before advancing the area of aggression further.

13 E-55. To settle the differences between
14 the government and the army it was decided to hold
15 an Imperial Conference and to arrive at a decision
16 binding upon all. On January 11, 1938, the Imperial
17 Conference was held and a two-fold policy adopted.
18 On the one hand, the conference decided that if
19 China should ask for reconciliation, Japan would
20 negotiate in accordance with the conditions of the
21 negotiations for peace between Japan and China, these
22 being the same terms already decided. On the other
23 hand, if China did not reconsider, Japan would not
24 only make the Chinese Government her opponent, but
25 E-54. n. Ex. 3316, T. 30302-3.

would aid in forming a new government and would be
1 determined to annihilate the old or to absorb it into
2 a.
3 the new.

E-56. On January 13, 1938, China replied
4 that the new terms were too broad in scope, and that
5 it desired to know the nature and content of the new
6 a.
7 conditions in order to reach a definite decision.
8 On this being reported by Dirkson, HIROTA became
9 angry, declared the answer an evasion and stated that
10 China was beaten and Japan did not have to give any
11 information. When reminded that China had only
12 official knowledge of the four conditions and the rest
13 had been kept in an indefinite form at his own wish,
14 b.
15 HIROTA agreed to take the matter up with the Cabinet.
16 According to KIDO, HIROTA reported the matter to the
17 cabinet, stating he had concluded there was no good
18 faith to be discerned on the part of China. On
19 c.
20 January 14, 1938, it was decided not to deal with the
21 China Government.

E-57. This decision went far beyond that
22 of the Imperial Conference which had set forth the
23 details of the terms to be offered to China and had
24 decided that these terms would be the basis of . . .

E-55. a. Ex. 3264, T. 29844-9.
E-56. a. Ex. 486B, T. 5984-5. c. Ex. ee40, T. 30838-9;
b. Ex. 486C, T. 5987-8. Ex. 2260, T. 16223;
T. 22055-6.

a. negotiations. The Imperial Conference decision
1 merely set forth the alternative roads that would be
2 followed depending on China's attitude. The decision
3 of January 14, 1938, definitely chose the road of
4 continuing military operations against China. Even
5 after the Imperial Conference and government decisions,
6 according to the official records of the Imperial
7 Conference, the General Staff insisted on efforts being
8 made for reconciliation. To finally settle the
9 matter, it was decided to hold a Liaison Conference
10 on January 15. KAWABE testified that TADA, vice-chief
11 of staff, was extremely regretful of the government
12 decision and expressed his opinion at length at the
13 Liaison Conference. However, the government plan
14 was finally accepted at the Liaison Conference, but the
15 General Staff still maintained its belief that the
16 reconciliation doctrine was desirable. On January
17 16, Premier KONOYE issued a public declaration in
18 which he stated that Japan would no longer deal with
19 the China National Government but would expect the
20 establishment and development of a new government with
21 which Japan would cooperate. With this decision
22 and announcement the conspirators had firmly rejected
23 E-57. a. T. 22056-7. c. Ex. 3264, T. 29842.
24 b. Ex. 3264, T. 29842. e. Ex. 268, T. 3563-5.
25 c. T. 22056.

1 the advice of the strategists to make haste slowly,
2 and had decided to go forward immediately with their
3 aggressive activities in all of China.

4 2. THE PERIOD FROM JANUARY 16, 1938 to
5 SEPTEMBER 2, 1945.

6 E-58. From the time of the announcement
7 of January 16, 1938, until the close of the Pacific
8 war in September 1945, Japan continuously waged
9 aggressive war against China. She waged that war
10 under the avowed policy that unless the Chinese
11 National Government conceded to Japan all of her
12 demands, she would destroy that government. On
13 January 22, 1938, Premier KONOYE stated in the Diet
14 that it was Japan's immutable national aim to bring
15 permanent peace^a for East Asia on the foundation of
16 close cooperation among Japan, Manchukuo, and China,
17 and that the decision not to deal with the National
18 government had been dictated by this policy. On
19 the same day, HIROTA stated in the Diet that Japan had
20 no territorial ambitions in China, but she wanted
21 China to take the broad view and collaborate with
22 Japan toward the ideal of cooperation for the common
23 prosperity and well being of the two countries.
24 However, the Chinese National Government had failed
25

E-58. a. Ex. 972F, T. 9516-7.

to understand this, and this had led to the declaration
1 of January 16, which he felt was the only way to
2 realize Japan's ideal of securing the stability of
3 East Asia through Sino-Japanese cooperation. In
4 view of the national policy determined by the HIROTA
5 Cabinet and the plans of the KONOYE Cabinet already
6 considered, the blunt import of these two statements,
7 stripped of the beguiling camouflage of high-sounding
8 words, was simply that there would be peace in East
9 Asia only upon Japan's own terms, and if those terms
10 were not accepted there could be no peace. Whoever
11 stood in the way of the accomplishment of Japan's aims
12 must fall.

14 E-58. b. Ex. 972G, T. 9522-6.

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E-59. The theme of these statements, in one
1 form or another, was constantly reiterated during the
2 remaining days of the KONO Cabinet. On November 3,
3 1938, KONO in a radio address boasted that Canton and
4 Hankow, the heart of China called the "Middle Plain,"
5 the control of which gave control of all China, had
6 fallen to the Japanese without Japan straining her
7 fighting power which was at a level sufficient to ward
8 off intervention from third powers. He considered it
9 deplorable that Japan and all Asia had been thwarted
10 by the mistaken policy of the Chinese National Govern-
11 a. ment. On November 29, 1938, Foreign Minister ARITA
12 told the Privy Council that it was Japan's policy not
13 to make peace with Chiang Kai-shek, whether the pro-
14 posal was made through a third party or directly, but
15 if Chiang should abandon his pro-Comintern and anti-
16 Japanese policy and merge with the New Central Govern-
17 ment (which was not yet established), the matter would
18 b. be reconsidered. On December 22, 1938, KONO again
19 stated that Japan was resolved to completely destroy
20 the anti-Japanese National Government through military
21 operations and to establish a new order in East Asia
22 c. with the cooperation of far-sighted Chinese.
23
(E-59. a. Ex. 460-A, T. 5254-5.
24 b. Ex. 269, T. 3591.
25 c. Ex. 268, T. 3566; Ex. 2535, T. 21423-4.)

E-60. This policy was continued by KONOUE's
1 successors. Shortly after he became Premier, HIRANUMA,
2 on January 21, 1939, stated that his cabinet was com-
3 mitted to the same policy and was determined to proceed
4 at all costs toward achieving its final purpose.
5 More direct in his use of language than his predecessor,
6 he stated that Japan alone could insure permanent peace
7 in East Asia. There could be no peace unless the three
8 countries of Japan, China, and Manchukuo were united
9 in realizing the common objective of establishing a
10 new order to replace the old. He had hoped that China
11 would understand this and cooperate, because for
12 those who failed to understand and persisted in opposi-
13 tion against Japan, Japan had no alternative other than
14 a. to exterminate them. This policy was also carried
15 forward by the cabinets succeeding that of HIRANUMA.
16 This is apparent not so much from policy statements
17 made by those cabinets but from their actions which will
18 be considered shortly in another, although closely
19 related, connection.

E-61. Pursuant to this policy, Japan poured
21 her troops into China to further her program. From less
22 than 5000 men at the time of the Marco Polo Incident,
23 Japanese troops in China had increased to a million or
24 (E-60, a. Ex. 2229-A, T. 15988-90.)

more by the time of the fall of the KONO Cabinet.

1 The accused KIDO noted in his diary that the accused
2 ITALIANI sent 1,600,000 men overseas to China. While
3 in the course of his testimony he attempted to maintain
4 that he was mistaken in view of information obtained
5 later, he did admit that there were at least 700,000
6 Japanese troops in China. HATA, in his interrogation,
7 stated that in the campaign for Hangchow, he had a
8 force of from 300,000 to 400,000 men sent to him from
9 the north for this operation. The forces despatched
10 moved deep into China. By the end of 1938, the
11 Japanese had taken Hsuchow, Kaifeng, Matang, Kiukiang,
12 Sinyang, Canton, Hankow, and Yoyang. In 1939, they
13 took Nanchang, Lungchow, and Nanning. In 1940, they
14 captured Nichang, and in 1942, they took Lunling and
15 Tengchung. In 1944, they attacked Changchow, captured
16 Loyang, Changsha, Hengyang, Kwelein, and Luchow, and
17 d.
18 reaptured Nanning.

19 E-62. The Japanese forces were organized
20 into expeditionary armies, known first as the North China
21 Expeditionary Army and the Central China Expeditionary
22 Army and later combined into the China Expeditionary
23 Forces. The spread of these forces throughout the vast
24 (E-61. a. Ex. 3341, T. 31392-3, T. 31386.
25 b. T. 31387.
c. Ex. 256, T. 3448.
d. Ex. 254, T. 3430-2.)

territory of China against obstinate opposition was,
1 in light of the declared purposes of Japan, aggressive
2 war in every real sense of the term. Yet the Japanese
3 never declared war on China and preferred not to call
4 the events that were transpiring a war, but called such
5 events an "incident" or an "affair." Even after the
6 termination of all hostilities, we have heard witness
7 after witness, and even some of the accused, in this
8 courtroom refer to the eight-years long conflict as an
9 incident or an affair. The prevailing view among
10 those high in governmental and military circles seemed
11 and still seems to be that if one applies to an un-
12 pleasant and criminal act a non-committal term, all
13 will be well and one can avoid the responsibility
14 that attaches to the unpleasant and criminal act. If
15 this view is permitted to prevail, then mankind must
16 acknowledge that it has lost the final battle in the
17 conflict between words and reality and that it subscribes
18 to the Hitlerian doctrine that a lie told often enough
19 to a sufficient number of people, who may be beguiled
20 to believe it, is the truth.

E-63. If by this persistent reference to the
23 hostilities with China as an "affair" or "incident"
24 the accused intend to claim that, because neither side
25 promulgated a declaration of war, until December 9,

1941, when China declared war, there was no war between
1 Japan and China until that time, it is submitted that
2 this contention is wholly untenable. War is a fact.
3 Its existence does not depend upon a declaration of war
4 from either party. The declaration is only the formal
5 recognition by the parties of the existence of the fact.
6 While it is sometimes true that a declaration of war
7 is the first act taken to create a state of war between
8 the parties, it is not the only way that state can be
9 created. Actual hostilities can and do create a state
10 of war as effectively and as expeditiously as any
11 declaration of war. Certainly, the United States and
12 Japan were at war during the interval from the moment
13 of the attack on Pearl Harbor until the time the parties
14 issued their respective declarations. The declarations
15 in that case merely recognized the existence of a status
16 which had already come into being. It cannot be con-
17 tended that the Hague Convention relative to the
18 a.
19 Opening of Hostilities made a declaration of war a
20 sine qua non to the existence of a state of war. That
21 treaty provides for notice as a warning to the enemy
22 against whom war is being opened, so that it may not be
23 taken by surprise. The fact that the treaty requires
24 notice to be given is in itself recognition that there
25 (E-63. a. Ex. 14.)

can be war without a declaration. If that treaty is
1 construed to require a declaration of war before a war
2 can be said to exist, then the entire treaty is meaning-
3 less and the treaty perpetuates in more vicious form
4 the evils which it sought to eliminate. Upon that
5 construction, any aggressor could avoid the requirements
6 of this treaty and others dealing with the subject of
7 war by merely stating that he was required to give
8 notice only in the event there was a war, and until
9 he made a declaration of war, there was no war requir-
10 ing him to give the notice. If it be suggested that
11 the aggrieved nation could issue the declaration of
12 war and thus create the state of war, we must bear in
13 mind the lesson of recent times that aggression is
14 often so swift that the aggrieved is completely sub-
15 jugated before it can issue a declaration of war.
16 Moreover, the aggressor should not escape from his
17 just punishment merely because the aggrieved did not
18 go through a formality which the aggressor deems of no
19 value. Society has never permitted, in any legal sys-
20 tem, the aggressor and the aggrieved, either alone or
21 together, to determine for themselves the existence
22 or the non-existence of a crime against society. It
23 cannot permit the aggressor or the aggrieved, who
24 for reasons of their own have not taken a certain

action, to determine whether, in fact, the crime against
1 society now being tried by this Tribunal -- aggressive
2 war -- does or does not exist. If it is decided that
3 the existence of aggressive war depends upon the fact
4 whether or not there exists a formal declaration of
5 war, such a decision would accept the shadow and reject
6 the substance, and sanctify the worst type of aggressive
7 conduct.

E-64. If the conflict between Japan and China
9 was not a war, then, indeed is mockery made of the
10 obvious, for everything that occurred in the conflict
11 had its counterpart in what man has traditionally known
12 as war. Even while calling it an incident, the
13 Japanese took, with the exception of issuing a formal
14 declaration of war, every measure that they would have
15 taken if they had regarded it as a war. On November 11,
16 1937, the Imperial Headquarters Ordinance was enacted
17 to provide for control of the armed forces in military
18 operations in the case of war or an incident in the
19 nature of war; and on November 20, 1937, Imperial
20 General Headquarters was established, putting the mili-
21 a.
22 tary and naval forces on a war footing. On Novem-
23 ber 19, 1937, the liaison between the government and
24 the Imperial General Headquarters was worked out. In
25 (E-64, a. Ex. 80, T. 684; Ex. 2488, T. 20703.)

action, to determine whether, in fact, the crime against
1 society now being tried by this Tribunal -- aggressive
2 war -- does or does not exist. If it is decided that
3 the existence of aggressive war depends upon the fact
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16 1937, the Imperial Headquarters Ordinance was enacted
17 to provide for control of the armed forces in military
18 operations in the case of war or an incident in the
19 nature of war; and on November 20, 1937, Imperial
20 General Headquarters was established, putting the mili-
21 a.
22 tary and naval forces on a war footing. On Novem-
23 ber 19, 1937, the liaison between the government and
24 the Imperial General Headquarters was worked out. In
25 (E-64, a. Ex. 80, T. 684; Ex. 2488, T. 20703.)

answer to an inquiry of KIDO, the War Minister stated
1 that Imperial General Headquarters would be established
2 in the case of an incident only if the incident were
3 one which required a declaration of war, that is,
4 b.
mobilization of the army. In February 1938, terms of
5 enlistment in the Kwantung Army were extended and
6 c.
increased. In March 1938, the General Mobilization
7 Law providing for the gearing of the entire nation to
8 war was enacted, and in May 1938, was in part made
9 d.
applicable to the conflict with China.

11
12 (E-64. b. Ex. 2258, T. 16221-3.
c. Ex. 719-A, T. 7562-5.
13 d. Ex. 84, T. 684; Ex. 2488, T. 20703.)
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E-65. In casualties and destruction the conflict with China was one of the greatest wars that mankind has known. The figures of the Japanese show that as of June 1941, 2,015,000 Chinese had been killed; that the Chinese armed forces had lost in killed, wounded, and captured 3,800,000 men; that the Japanese had captured from the Chinese as booty, 482,257 arms, 1475 tanks, cars and trucks, 2449 railway engines and carriages and 410 warships and vessels; that they had destroyed 1977 Chinese planes; and that the Japanese had themselves lost 109,250 men killed and 203 planes. The official records of the Chinese Army show that the army alone lost from July 1937 to August 1945, 3,207,948 in killed, wounded, and missing. This did not include the millions of non-combatants that were killed or maimed in the course of the war.

E-66. Whatever doubt might have existed about the nature of the conflict in China is wholly dispelled by the statements of two of the accused, both of whom are professional experts in warfare and well qualified to recognize war when it exists. Both MUTO and HATA, the latter of whom was first commander of the Central

E-65. a. Ex. 276B, T. 3701-2
" b. Ex. 252, T. 3415-23

China Expeditionary Army and later commander of the
1 China Expeditionary Forces, admitted in their
2 interrogations that the conflict in China was actually
3 a war, although the Japanese government looked upon
4 it and considered it an incident.
5

Judge Nyi will continue for the prosecution.

JUDGE NYI: C. THE DOMINATION OF CHINA

1. POLITICAL

E-67. The waging of war under a pledge of
9 destruction of the Chinese National Government unless
10 Japan's terms and demands were accepted was only one
11 half of the policy promulgated on January 16, 1938.
12 The other half was that Japan would expect the estab-
13 lishment and development of a new government with
14 which Japan could cooperate. Even before the establish-
15 ment of this policy, efforts had been made in this
16 direction. On July 29, 1937, immediately after serious
17 fighting began, the Tientsin Autonomous Council was
18 established under the chairmanship of Kao to handle
19 urgent matters for stabilizing peace in the city. On
20 August 8, 1937, KAWABE formally entered Peiping and
21 placed the city under martial law with himself as
22 b.
23 military governor.
24

E-66. a. Ex. 255, T. 3437; Ex. 256, T. 3451
25 E-67. a. Ex. 2501, T. 20,863
" b. T. 3766

E-68. These early moves were but temporary expedients. For North China, even before the break in relations with Chiang Kai-shek, the plans called for something of a more permanent nature. As early as August 1937, General NEMOTO of the Special Mission told Goette of the project of forming a puppet government in Peiping. ^{a.} Shortly thereafter General KITA, head of special services in Peiping, invited Wang Ko-Min to become head of the government, and staff officers were sent to see him in Hong Kong. Wang left for North China on December 6, 1937, and thereafter decided to head the North China regime. On December 14, 1937, the Provisional Chinese Government was established. ^{b.} Goette attended the installation of the new government at which were present Japanese army officers and civilians and the members of the new ^{c.} puppet government.

E-69. The establishment of the Provisional Government was directly in line with the policy determined by the Cabinet ten days later on December 24, 1937, in the "Outline of Measures for the China Incident", to cover the situation in the event Chiang Kai-shek did not comply with Japan's demands. This

E-68. . a. T. 3852-3
" b. Ex. 463, T. 5297-8
" c. T. 3853

policy provided that in North China they should aim
1 to establish an anti-communistic, pro-Japanese-
2 Manchukuoan regime which would have inseparable economic
3 relations with Japan and Manchukuo. The new regime was
4 to be supervised to become the leading power in North
5 China and it was to have an organization appropriate
6 for the new era under leaders who would have the con-
7 fidence of all China. Supervision was to be carried
8 out internally by Japanese advisors who were to follow
9 a policy of non-interference in domestic matters.
10 This government was to supersede the former autonomous
11 governments, and the area of its control was to depend
12 on the scope of military operations, but was to includ-
13 mainly Hopei, Shantung, Shansi, and part of Chahar
14 a.
15 provinces.

E-70. Moreover, the Japanese army had extended
16 its operations to Shanghai and Central China, and in
17 the event that an agreement could not be had with
18 Chiang Kai-shek, provision had to be made for the
19 governing of that area. The policy plan of December
20 24 provided against that contingency. It provided
21 that they would consider establishing a new government
22 in that area which would have connections with the
23 North China regime, but for the time being the matter
24 E-69. a. Ex. 3263, T. 29,817-20

of maintaining peace would be left to Public Peace Maintenance Associations to be established. Shanghai,
1 excluding the International Settlement and French
2 Concession, was to become a special city with a
3 Chinese mayor assisted by a Japanese Councillor.
4 Likewise its police were to have Japanese councillors. a.
5 On December 5, 1937, the Shanghai Municipal Government
6 was organized, thereafter movements for creating a new
7 regime were launched, and Public Peace Maintenance
8 Associations were created in certain places. b.
9

E-71. Negotiations with Chiang Kai-shek having terminated, on January 27, 1938, the KONOYE Cabinet decided on a program for the establishment of a new Central China regime. It provided for establishing the Central China Provisional Government (later known as the Renovation Government) first at Shanghai and then at Nanking, and for strengthening and stimulating the establishment of a new regime backed by Japan. Considerable part of initial costs were to be borne by Japan, and local peace was to be undertaken by the Japanese army until new local governments were established. The new government was to consist of the central government, the Shanghai

E-70. a. Ex. 3263, T. 29, 824-5
" 24 b. Ex. 463-A, T. 5303
25

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E-70. a. Ex. 3263, T. 29, 824-5
" 24 b. Ex. 463-A, T. 5303

1 Special Municipality, provincial governments, and
2 county autonomous bodies. On the same day, in a
3 companion policy for the direction of the Central
4 China Administration, it was provided that a highly
5 pro-Japanese regime would be established. General
6 inner direction of this regime was to be carried
7 out by Japanese officers who were to avoid detailed
8 direction and interference in administration and
9 participation in provincial governments. The army
10 was to be trained under the guidance of Japan, and the
11 navy and air force were to be included in Japan's
12 defense plans. Japanese were to instruct the police.
13 Attempts were made by MATSUI through SUGANO and others
14 to have Chen Chung-Fu form the new regime. When
15 this failed, it became known that General HARADA and
16 Colonel KUSUMOTO, of the Army Special Service in
17 Shanghai, and the naval special organ assisted various
18 groups to expedite collaboration. On March 28, 1938,
19 the Renovation Government was established. In general,
20 it followed the plan established by the Japanese
21 Cabinet.

22 E-72. However, the Provisional and Renovation

- 23 E-71. a. Ex. 463-A, T. 5315-7
24 " b. Ex. 463-A, T. 5311-3
25 " c. Ex. 463-A, T. 5306
 " d. Ex. 463, T. 5308-9

Governments were themselves only temporary expedients.
1 They divided China artificially into North and Central
2 China. The situation differed considerably from the
3 case in Manchuria. There by digging deep into the
4 forgotten wells of history the Japanese had been able
5 to find a shaky foothold on which to base a justifica-
6 tion of independence for Manchuria. Here, there could
7 be found in the history of China no such justification,
8 for China had been a unity and a nation for thousands
9 of years. To keep it divided would disclose to the
10 world Japan's purpose and make clear that Japan had
11 taken over and was controlling China. It was, therefore,
12 essential that a new national government be formed
13 embracing all of China under the leadership of one who
14 would be amenable to Japan. The leader selected by
15 Japan was Wang Ching-Wei, Vice-Chairman of the Kuomintang
16 and of the Chinese National Defense Council.

E-73. According to defense witness KAGESA,
19 in the spring of 1938, immediately after the temporary
20 governments had become created, Kao and Tung, former
21 officials of China's Foreign Ministry, were brought
22 by the Japanese forces in China to meet with the
23 witness, then Chief of the Chinese Section of the
24 General Staff, who had advance notice of their coming.
25

E-73. a. Ex. 2721-A, T. 23, 978, T. 24,020-1

These men proposed that some person other than Chiang Kai-shek must be found to invite peace and that there was no one better suited for this than Wang Ching-
Wei. KAGESA immediately reported the matter to Vice-Chief of Staff TADA who in turn reported it to War Minister SUGIYAMA. The latter took the matter up with the Five Ministers Conference which determined that there was no objection to the plan. This decision was clearly a green light for the Chinese collaborators to go ahead with the plan.

E-74. Japan, in the meantime, decided to go ahead with forming the nucleus of the new government. Foreign Minister UGAKI, who had succeeded HIROTA in the KONOYE Cabinet, reported to the Emperor on September 21, 1938, that the government was carefully planning a new Chinese Central Government, and as a base for this had decided to immediately establish a federated committee with the cooperation of the Provisional and Renovation Governments. On August 27 and 28th, Japan's representatives and military authorities decided on a basic plan. On September 9 and 10th, these representatives met with the representatives of the Provisional and Renovation Governments at Dairen

E-73. b. Ex. 2721-A, T. 23,978
" c. T. 24,024, 24,026

in Manchuria and decided to establish the committee.
1 The committee, which was established on September 22,
2 was to control common administrative matters and, as
3 its chief purpose, to facilitate the establishment of
4 a new Central Government. In his testimony, ITAGAKI
5 admitted that in July 1938, BANZAI, DOHIHARA, and TSUDA
6 were sent to China to see Tang Shao-I and Wu Pei-Fu
7 and to get the cooperation of those who desired peace.
8 While ITAGAKI has denied that they were sent to work
9 out the new regime, in view of the fact that Japan
10 insisted that peace could come only with a new regime,
11 it is clear that the work of this group was solely
12 concerned with the project for the new regime.
13

E-75. Having set up the federated committee,
14 the next step was to bring Wang Ching-Wei into the
15 picture. According to KAGESA, in the autumn of 1938
16 Colonel Imai came from Shanghai bringing a tentative
17 draft of peace terms drawn up by Kao and Mei. The
18 plan proposed was submitted by War Minister ITAGAKI
19 to the Five Ministers Conference. Amendments to
20 the plan were made by the Army Staff and War Ministry.
21 On November 19, 1938, KAGESA and IMAI under orders from
22 E-74. a) Ex. 269, T. 3589-90
23 " b) Ex. 3316, T. 30,307, T. 30,432
24 " c) T. 30,432
25 E-75. a. Ex. 2721-A, T. 23,979
" b. T. 24,031
" c. Ex. 2721-A, T. 23,979, 24,030

1 ITAGAKI, after the latter's consultation in the Five
2 Ministers Conference, went to Shanghai to deliver
3 Japan's terms which were in substance those later
4 given by KONOYE in his December statement.^{d.} The
5 plan adopted was that Wang would escape from Chunking
6 in accordance with a plan which Wang and Kao had
7 arranged, and Japan would then announce the peace
8 terms. KAGESA reported this to ITAGAKI, who, in turn,
9 admittedly on November 25, 1938, obtained the consent
10 of the Five Ministers Conference.^{e.} It was a natural
11 part of the plan that after Wang had escaped and
12 Japan had clarified its terms, Wang should accept
13 them.

14 E-76. The terms of the peace that would be
15 made with Wang were embodied in the policy of adjusting
16 new relations with China adopted by the Five Ministers
17 Conference on November 25, 1938.^{a.} The adoption of
18 this policy was deemed of such importance that the
19 matter was referred for decision to an Imperial
20 Conference. The Imperial Conference was held on
21 November 30, 1938, and approved the policy and the
22 taking of Hainan Island.^{b.} The policy adopted was
23 presented by Foreign Minister ARITA and was identical

24
25 E-75. d. Ex. 2721-A, T. 23,979, 24,032-3
" e. Ex. 2721-A, T. 23,979-80, 24,037-8; Ex.
3316, T. 30,309
E-76. a. Ex. 3316, T. 30,309
" b. Ex. 3316, T. 30,309

with the policy reported by ARITA on the previous
1 day, November 29, 1938, to the Privy Council. It
2 provided that China would recognize Manchukuo; that
3 the three nations would cooperate in politics, diplomacy,
4 education, propaganda, and trade; that there would be
5 cooperation and joint defense against the Comintern
6 with Menkiang (the Mongolian Border) established as
7 a special military and political zone for such purposes,
8 and Japan to have the right to station troops in North
9 China with China to bear part of the cost; that military
10 demands and rights over railroads would be reserved;
11 that economically emphasis would be laid on securing
12 from North China the resources which Japan and
13 Manchukuo lacked; that Japan would examine the policy
14 of the open door from the standpoint of establishing
15 a three-nation economic bloc based on Japan's defense
16 needs, and would not recognize it to the extent that
17 it was incompatible with that viewpoint; and that
18 Japan would strengthen political relations with Germany
19 and Italy.
20 c.
21

E77. In anticipation of the events that were
22 about to occur, a central organ was established. On
23 December 16, 1938, the China Affairs Board was established
24 under the Premier to be in charge of affairs concerning
25

Ee76. c. Ex. 269, T. 3592-9

politics, economy, and cultural needs in China
1 during the Incident. It was to formulate policies
2 and supervise the business of companies established
3 to start enterprises in China and to control business
4 in China. The Ministers of Foreign Affairs, Finance,
5 War and Navy were to be its vice-presidents. The
6 organization had its head office in Tokyo and a
7 branch in Shanghai, Peiping, Amoy and Kalgan. The
8 Tokyo office had four divisions - political, economic,
9 cultural, and technical, while the branches had political,
10 economic, and cultural divisions. Decisions made by
11 the head office were transmitted to the proper branch
12 office which took the matter up with the local Chinese
13 government. Even after the establishment of the
14 Nanking government in March 1940, the organization
15 continued to function in order to effect the decisions
16 of Tokyo. Liaison was maintained between the local
17 branches and the military commanders in the field.
18 b.

E-78. As planned, Wang Ching-Wei escaped
19 from Chunking on December 18, 1938, and went to Hanoi
20 in French Indo-China. On December 22, 1938, also
21 as planned, KONOYE issued his statement that Japan
22

E-77. a. Ex. 455, T. 5183-5
23 " b. Ex. 389, T. 4762-3

E-78. a. Ex. 2721-A, T. 23,980

desired to make public its basic policy for adjusting relations with the new China. He stated that:
1 (1) China should give up anti-Japanism and resentment
2 against Manchukuo and enter into complete diplomatic
3 relations with Manchukuo; (2) that there should be
4 concluded an anti-Comintern agreement like the one
5 among Japan, Germany, and Italy, under which Japan
6 would have the right to station troops at designated
7 points during the period of the agreement and Inner
8 Mongolia would be designated as a special anti-communist
9 area; (3) that Japan did not want an economic monopoly
10 and would not demand that China limit the interests of
11 third powers who understood the new East Asia and
12 would act accordingly, but did demand that China
13 follow the principle of equality and give to Japan
14 the facilities for developing natural resources,
15 especially in North China and Inner Mongolia. On
16 December 29, 1938, Wang made a speech in Hanoi in
17 which he stated that in view of KONOYE's declaration
18 he had come to believe that the National Government
19 should, as soon as possible, exchange views with Japan
20 on the basis of the three points to restore peace.
21 b.
22 c.

E-79. Since for Japan's purposes at deceiving

E-78. b. Ex. 268, T. 3566-8; Ex. 2535, T. 21,423-6
" c. Ex. 2590, T. 22,310

the world Wang could not head the new government from
1 Hanoi, the next step was to bring him to China. In
2 March 1939, the Five Ministers Conference decided to
3 send KAGESA to Hanoi to take Wang to a safety zone,
4 which ITAGAKI testified was designated as Shanghai.
5 KAGESA arrived in Hanoi on April 17 carrying letters
6 to Wang from ARITA, ITAGAKI, SUZUKI, and YONAI, and
7 immediately contacted Wang. Arrangements were made
8 for leaving, and the party, including Wang, left Hanoi
9 on April 25. With greatest secrecy, all arrangements
10 for the boat, the trip, the housing, and protection of
11 Wang in Shanghai were carried out by KAGESA on a
12 fixed schedule. The party arrived in Shanghai on
13 May 8, 1939.

E-80. On May 31, 1939, after having met in
16 Shanghai with the Chinese collaborationists, including
17 Kao and Mei, Wang accompanied by these Chinese and
18 the KAGESA Party, left for Tokyo. While in Tokyo
19 during early June, he conferred with HIRANUMA, ITAGAKI,
20 KONOYE, ARITA, and YONAI. The discussions as reported
21

E-79. a. Ex. 2721-A, T. 23,982-3; 24,042
22 " b. Ex. T. 30,441
23 " c. Ex. 2721-A, T. 23,983; 24,054
24 " d. Ex. 2721-A, T. 23,984-5; 24,056
25 " e. Ex. 2721-B, 2721-H, T. 24,151-162
" f. Ex. 2721-A, T. 23,985

E-80. a. Ex. 2721-A, T. 23,988-90; 24,099
b. Ex. 2585, T. 22,254-70

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 e. Ex. 2721-B, 2721-H, T. 24,151-162
 f. Ex. 2721-A, T. 23,985

E-80. a. Ex. 2721-A, T. 23,988-90; 24,099
 b. Ex. 2585, T. 22,254-70

1 by KAGESA ^{c.} and SHIMIZU, the interpreter, showed
2 Wang completely agreeable to going along with the
3 Japanese plan, and that the Japanese attitude was that
4 Wang was free to act, so long as he acted in compliance
5 with Japanese desires and demands. While in Tokyo,
6 the Wang party presented a note asking that China's
7 sovereignty be respected. ^{e.} It was nothing more than
8 the plaintive plea that China be left with some
9 semblance of sovereignty and that Japanese technical
10 experts rather than political advisors be appointed
11 in each ministry. It asked that Japan, in the event
12 it desired anything, would act through diplomacy and
13 not by military decree.
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24 E-80. c. Ex. 2721-4, T. 23,991-6
25 " d. Ex. 2585, T. 22,262-72; Ex. 2586, T. 22,286-91
 " e. Ex. 2588, T. 22,276-84

E-81. Having completed his errand in Tokyo,
1 Wang returned to China accompanied by KAGESA and con-
2 ferred with the leaders of the Provisional and Reno-
3 vation Governments with respect to the establishment of
4 a central government. He also conferred on this
5 problem with General TADA and reached an understanding.
6 A war of active propaganda was started by means of radio
7 and newspapers. From August 28 to September 6, 1939,
8 Wang conducted the "Sixth National Kuomintang Congress"
9 of the dissenters from Chiang Kai-shek's policy, which
10 affirmed as principles all of Japan's demands and dis-
11 cussed preparations for the Central Political Conference
12 to establish a new central government. After con-
13 sultation with various political leaders, Wang issued
14 an invitation to the Provisional and Renovation Govern-
15 ments to participate in organizing the Central Political
16 Council to create a new state. On September 22 and
17 23, 1939, respectively, the Renovation and Provisional
18 Governments accepted.
19

E-82. In the meantime, in Japan action was
20 taken to implement the plan because, according to KAGESA,
21 in order to prove its sincerity, Japan had to deliberate
22
(E-81. a. T. 24125-6; Ex. 2598, T. 22345.
23 b. Ex. 2721-A, T. 24125-6.
24 c. Ex. 2598, T. 22345.
25 d. Ex. 2598, T. 22345-8.
e. Ex. 2594, T. 22333-5.
f. Ex. 2595, T. 22336-7; Ex. 2596, T. 22338-9.)

1 with Wang on the embodiment of the KONOYE statement prior
2 to Wang organizing a government - a polite way of stat-
3 ing that Japan had to make sure that Wang would carry
4 out Japan's demands. In October, 1939, the China
5 Affairs Board had a tentative plan. The plan was studied
6 by both Japanese and Chinese and finally approved by
7 a. both sides on December 30, 1939. In January, 1940,
8 Goette was told by the Japanese Army press section that
9 an agreement had been reached for forming a new govern-
10 ment. At the time, KAGESA by his actions disclosed that
11 b. he was playing the leading role in the conference. On
12 March 30, 1940, the new government under Wang Ching-wei
13 c. was formally established at Nanking.

14 E-83. Wang Ching-wei upon becoming president of
15 the new regime quickly took steps to carry out his
16 commitments to Japan. On October 10, 1940, there was
17 initiated a treaty between the new government and Japan.
18 a. and on November 30, it was formally signed. This
19 treaty provided that the two governments should effect
20 close co-operation so as to complement each other and
21 minister to each other's needs in resources in North
22 China and Menkiang, especially minerals needed for
23 national defense. Wang agreed that the resources would
24

25 (E-82. a. Ex. 2721-A, T. 23998-24000.

b. T. 3858.

c. Ex. 276-A, T. 3701.

E-83. a. Ex. 464, T. 5323-5; Ex. 2721-A, T. 24002.)

be developed in close co-operation with Japan. To develop resources needed in other areas, Wang agreed to give positive and full facilities to Japan. Accompanying the treaty were two secret agreements. In the first, it was agreed that diplomacy would be based on concert of action, and no measure would be taken with respect to third countries contrary to that principle. b. Wang also agreed to comply with Japan's demands for military needs in railways, airways, communications and waterways in areas where Japanese troops were stationed. c. China's administrative and executive rights were to be respected in ordinary times. Wang thus surrendered to Japan China's independence and freedom of action in diplomatic and military matters. The second secret agreement allowed Japanese vessels to anchor in China harbor areas and allowed Japanese units to be stationed there. Wang agreed to co-operate in planning, developing and producing special resources, especially strategic ones needed for defense of Amoy, Hainan Island and other places. d. In a supplementary letter to the agreement, Wang promised that so long as Japan was carrying on military operations in China, China would co-operate toward full attainment of Japan's war purpose. With these e.

(E-83. b. Ex. 40, T. 5320-1.
c. Ex. 465, T. 5327-8.
d. Ex. 465, T. 5328-30.
e. Ex. 465-A, T. 5331.)

1 Treaties Wang complied with Japan's military, political
2 and economic demands. To comply with the demands of
3 anti-communism and recognition of Manchukuo, Wang signed
4 on November 27, 1940, the Protocol among Japan, China
5 and Manchukuo which provided that the three countries
6 would bring about general reciprocal co-operation, a
7 common defense against communism and economic co-
8 operation.

9 E-84. That Japan never regarded the Wang
10 government as anything but a satrapy of Japan is well
11 evidenced by the fact that when on November 1, 1942, the
12 Ministry of Greater East Asia was established with juris-
13 diction to administer the political, excepting diplo-
14 matic, affairs of Greater East Asia, the relations with
15 China were placed under that Ministry. The China Affairs
16 Bureau of that ministry was charged with matter of
17 Chinese foreign affairs, of supervising corporations
18 conducting business in China, cultural work for China,
19 and other matters concerning China.
20 a.

21 Mr. Brown will continue.

22 MR. BROWN: 2. ECONOMIC

23 E-85. While a great deal of attention was paid
24 by the Japanese to avoid giving the impression to the
25 outside world that the new governments were puppets

(E-83. f. Ex. 464-A, T. 5325; Ex. 40, T. 5322.
E-84. a. Ex. 90, T. 5186-9.)

controlled by Japan, Japanese economic control of the
1 newly conquered areas of China was much more direct and
2 open. Economic domination of China and its vast re-
3 sources was the prime aim of the conspirators. As
4 pointed out before, in the terms given to the National
5 Government of China through Germany, economic demands
6 played a large part. In the KONOYE statement of December
7 22, 1938, of the conditions on which Japan would make
8 peace, one of the three terms demanded was economic co-
9 operation. In fact, this was the one thing of real
10 value which Japan wanted, inasmuch as the other terms
11 added little to what Japan already had. The recognition
12 of Manchukuo, while giving a gloss of respectability
13 and legality to Japan's action, added nothing to Japan's
14 actual control of Manchukuo. Joint defense against
15 communism meant little to Japan, which already had more
16 powerful allies in that endeavor and which shortly after
17 entered into a non-aggression treaty with the Soviet
18 Union. The actual extent of Japan's economic demands has
19 already been seen in the treaty.

21 E-86. The obtaining of economic control was
22 carefully planned. In "The Outline of Measures for the
23 China Incident," decided by the KONOYE Cabinet on
24 December 24, 1937, to dispose of matters in the event
25 Generalissimo Chiang Kai-shek did not accept Japan's

1 terms, Japan's economic plans were worked out in some
2 detail. The plan stated that the object of economic
3 development in North China should be to strengthen the
4 relation of Japanese and Manchurian economy and to
5 establish the foundation for co-prosperity between those
6 two and China. Every line of economy was to be developed
7 by combining Chinese capital with Japanese capital and
8 technique so as to contribute to the production of
9 materials necessary for national defense of both Japan
10 and Manchukuo. The Chinese were to be put in the lime-
11 light to avoid giving them the impression that economic
12 pressure was being applied. A national policy company
13 to develop and control North Chine economy was to be
14 organized to realize Japan's industries. In managing the
15 company they were to be careful to exercise control
16 according to circumstances. Co-operative investments by
17 third powers and existing economic rights of third powers
18 were to be respected as much as possible. Existing major
19 industrial enterprises were to be disposed of or adjusted
20 according to this policy. Finances were to be strength-
21 ened and the gold production industry was to be taken
22 over immediately from the viewpoint of international
23 revenue and Japanese disbursements. The policy further
24 provided that for establishing Japan's economic develop-
25 ment in Central China with Shanghai as a base, a national

policy company was to be created to maintain control of
1 the public utilities. Complete plans for making Shanghai
2 the special base were included. Businesses which could
3 be started immediately were to be allowed to do so on
4 condition that they be properly disposed of when the
5 national policy company was formed.
a.

E-87. The basic concept behind this plan was to
7 meet and satisfy all of Japan's economic needs for the
8 program of aggression upon which she had embarked, and
9 for that purpose to integrate the economy of China with
10 that of Japan and Manchukuo. That the primary consider-
11 ation was Japan's needs for the program of aggression was
12 well brought out in the statement of the accused KAYA to
13 the witness Goette, a statement which has never been
14 denied. KAYA stated in 1940 that the plan for mobilizing
15 materials in North China had three main points: the
16 first was to supply Japan with war materials being con-
17 sumed in the Sino-Japanese hostilities; the second was to
18 expand Japan's armament; and the third was to meet the
19 needs of peace-time industry.
a.

E-88. To meet these fundamental purposes, a
22 series of plans was brought forward for the integration
23 of China's economy with that of Japan and Manchukuo into
24 a so-called co-prosperity sphere. In the Board of
25 (E-87. a. T. 3872.)

Plannings "Program for the Economic Development of
1 China," published in the Tokyo Gazette for December,
2 1938, it was stated that the development of natural
3 resources in China would have far-reaching effects in
4 realizing the ideal of economic collaboration - the base
5 for the new, ideal order in East Asia. It would have an
6 important effect on Japan, the stabilizing power, in
7 that it would supply certain things, strengthen national
8 defense and augment productive power. Sufficient supplies
9 would decrease Japan's overseas payments, and the co-
10 ordination of industries within the three countries would
11 adjust supply and demand and help balance international
12 a. payments. Even minor industry, which was to be left
13 free from the control of the national policy company,
14 was to be conducted on the principles that Japan, Man-
15 chukuo and China must avoid economic rivalry, that there
16 should be a restriction of any enterprise requiring dual
17 investment, and that they should avoid indiscriminate
18 b. duplication of enterprises of the same kind. In the
19 "Program for Economic Construction embracing Japan, China
20 and Manchukuo" of November 5, 1940, integration was fully
21 developed. The basic policy adopted was that the objec-
22 tive of the program was to establish a self-supporting
23 and self-sufficient economic structure within ten years
24
25 (F-88. a. Ex. 460-A, T. 5259-60.
b. Ex. 462-A, T. 5280-1.)

to strengthen the position of East Asia in world
1 economy. Under the program, Japan's function was to
2 promote science and technique and develop power indus-
3 tries such as heavy, chemical, and mining. Manchukuo
4 was to swiftly perfect and develop important basic
5 industries, especially in the mining and electrical
6 fields. China was to develop her resources, further her
7 mining and salt industries and undertake large scale
8 production of raw materials. The plan made clear that
9 Japan alone had decided for the three countries the
10 essential policies with respect to spheres of industrial
11 activity, labor, finance, banking, exchange, communication
12 c.
13 and transport.

14 E-89. To put these --

15 THE PRESIDENT: Mr. Brown, you have already
16 read four pages in five minutes. You have done very
17 well.

18 We will adjourn until half-past nine tomorrow
19 morning.

20 (Whereupon, at 1600, an adjourn-
21 ment was taken until Friday, 13 February
22 1948, at 0930.)
23

24 E-88. c. Ex. 462-A, T. 5286-95
25

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1 economy. Under the program, Japan's function was to
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